

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
4 Plaintiff,)
5 v.) No. 19 CR 00486
6 ROBERT ANTHONY HAAS,) Chicago, Illinois
7 Defendant.) August 5, 2020
) 8:57 a.m.

VOLUME 3

TRANSCRIPT OF PROCEEDINGS

10 BEFORE THE HONORABLE EDMOND E. CHANG, and a Jury

11 || APPEARANCES:

12 For the Plaintiff: HON. JOHN R. LAUSCH, JR.
13 United States Attorney
14 BY: MS. ERIN E. KELLY
15 MR. BARRY JONAS
Assistant United States Attorneys
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
(312) 353-5300

17 For the Defendant: MR. ROBERT ANTHONY HAAS,
Pro se;

22 Court Reporter: Judith A. Walsh, CSR, RDR, F/CRR
23 Official Court Reporter
24 219 South Dearborn Street, Room 2118
Chicago, Illinois 60604
(312) 702-8865
judith_walsh@ilnd.uscourts.gov

	<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>				
2	<u>WITNESS</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
3	ROBERT HAAS				
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14	Government's Exhibit				
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1 (Proceedings heard in open court. Jury out.)

2 THE COURT: 19 CR, United States versus Haas. Let's
3 get appearances for the government.

4 MS. KELLY: Erin Kelly for the United States.

5 THE COURT: And, Mr. Haas, if you could state your
6 first and last name.

7 THE DEFENDANT: Robert Haas.

8 THE COURT: And standby counsel?

9 MS. SINGER: Dena Singer.

10 THE COURT: All right. Good morning, everyone.

11 MR. JONAS: And Barry Jonas for the United States,
12 Judge.

13 THE COURT: Good morning to you as well.

14 All right. Let's pick up on the Rule 29 motion.

15 Mr. Haas, did you want to present further on that?

16 THE DEFENDANT: Your Honor, I don't believe they have
17 met the burden of proof. They have not proven my intent. My
18 intent was self-defense. And they are saying that I did it
19 out of malice to make threats, and that's absolutely not what
20 happened.

21 THE COURT: Okay. Given the standard is whether,
22 viewing the evidence in the light most favorable to the
23 government at the Rule 29 stage, whether a rational jury could
24 find the defendant guilty beyond a reasonable doubt.

25 Mr. Haas, I have already decided before the trial that

1 self-defense as a matter of law does not apply in this case.
2 Entrapment, that defense may be offered during your testimony.
3 And we're waiting for that testimony in any event.

4 In the government's case in chief, there is
5 sufficient evidence on all 13 counts to satisfy, given that
6 favorable standard to the government, that the defendant
7 committed violations both of threatening a federal law
8 enforcement officer under Section 115 and transmitted a threat
9 in interstate commerce under 875(c).

10 The overlapping element is that the defendant made
11 true threats, which means a serious expression of intent to
12 commit violence on a person or a group of persons. The
13 content of the messages viewed in the light most favorable to
14 the government themselves would be sufficient to meet that
15 standard. Additional contextual circumstances in terms of the
16 tone of the verbal threats and the surrounding circumstances
17 with regard to the defendant's motive is more than sufficient
18 to meet that. For very many of those same reasons, the
19 government has met the Rule 29 barrier for the defendant's
20 intent to deliver a true threat or at the very least knowledge
21 that a reasonable person would perceive the threats as true
22 threats.

23 On the 115 counts, there's the additional intent
24 elements to impede or intimidate or interfere with a
25 government official in the performance of official duties or

1 with intent to retaliate against the officer for performing
2 official duties. And that is met again by the content and
3 circumstances of the defendant's statements.

4 THE DEFENDANT: Your Honor --

5 THE COURT: And then -- you presented your motion,
6 and I'm now deciding it, Mr. Haas.

7 And then with respect to the 875 counts, the
8 additional element is interstate commerce. And given the
9 evidence on the vk.com being a Russian social media site, that
10 element too has been met.

11 Okay. Any other issues to take up before we situate
12 the defendant on the stand?

13 MR. JONAS: Your Honor, can we just very briefly
14 discuss scheduling for today? What I anticipate is, of
15 course, the defendant will testify. It's my understanding
16 there are no other witnesses that he plans on calling. We
17 then, as discussed we have, I think, two rebuttal witnesses.
18 I don't think -- I don't expect that the testimony will take
19 us through the end of the day.

20 I also assume we're going to have a charging
21 conference. There are some instructions the government would
22 like to discuss with the Court. What I'm asking is even if a
23 charging conference were done before 4:30, can we just do
24 closings tomorrow morning.

25 THE COURT: That's what my plan was. Are you all

1 right with that, Mr. Haas?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: No matter what, we'll do closings
4 tomorrow morning even if you finish early today.

5 MR. JONAS: Thank you, Judge.

6 THE COURT: Who are your rebuttal witnesses?

7 MR. JONAS: State Department Agent David Noordeloos
8 and Ottawa Police Officer Matthew Najdanovich.

9 THE COURT: Okay. Yes. He was on your may-call as
10 well. All right.

11 Okay. Any other issues?

12 MS. SINGER: Judge, could I have one moment?

13 THE COURT: Yes.

14 MS. SINGER: I just need to communicate with him, and
15 I may just have to ask one thing of the Court.

16 Thank you. Your Honor, in terms of Mr. Haas'
17 testimony, he has prepared questions that he would like me to
18 ask. He has a copy of that for himself as well. I would ask
19 if he be allowed to bring that up to the bench with him if he
20 chooses because it does have the exhibit numbers that he would
21 like shown during his testimony.

22 THE COURT: Yes. I was even going to suggest that he
23 bring up the order with the exhibit chart so that he --
24 because it's not so much factual information on there, but
25 maybe that would help him, too. But at the very least, yes,

1 he can bring a copy of the questions with the exhibit numbers
2 next to them. It's no different than a lawyer having the
3 direct exam written out with exhibit references in it. So
4 that's fine with me.

5 MS. SINGER: Thank you.

6 THE DEFENDANT: Your Honor, I have a question --

7 THE COURT: Yes.

8 THE DEFENDANT: -- about the other evidence that I
9 asked to have admitted yesterday, last night. Did you look at
10 that and prepare it?

11 THE COURT: I have not seen any other motion that you
12 filed.

13 THE DEFENDANT: No. We spoke about it last night
14 before -- when we were leaving the courtroom about those
15 photos you were going to admit.

16 THE COURT: Oh, you're right.

17 THE DEFENDANT: Four photos.

18 THE COURT: Yes. So Defense Exhibit -- and it's
19 going to be Defense Exhibit 7 that you had proposed. It's a
20 December 31st, 2018, text. It has the four photos. I emailed
21 this to Ms. Singer last night, too, just to keep her in the
22 loop.

23 MS. SINGER: I did receive it.

24 THE COURT: So and I also emailed it to the
25 government. So when you request them to display it --

1 MR. JONAS: I have a copy I can hand to the
2 defendant.

3 THE COURT: Yes. Thank you.

4 MR. JONAS: Mr. Haas, are you okay if I hand you a
5 copy of the exhibit?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. For the record, Mr. Jonas is
8 handing Mr. Haas a copy of Defense Exhibit 7.

9 THE DEFENDANT: Your Honor, this is only two of the
10 photos. There's four photos on the page that I was looking
11 for. It was discovery Page 320 --

12 THE COURT: So the exhibits that you had proposed --

13 THE DEFENDANT: -- on disk 1.

14 THE COURT: Yes. Go ahead. Go ahead. You were
15 saying something.

16 THE DEFENDANT: That was it. That was it. Disk 1,
17 Page 320.

18 THE COURT: Okay. The problem with 320 was that it
19 also contained parts of a *New York Times* article. So that
20 additional evidentiary problem unfortunately infects that
21 proposed exhibit. It was Exhibit 18. And so I did my best to
22 give you some leeway despite the Rule 401 and 403 problems
23 with this particular line of evidence, but yes, I cannot give
24 you 18. So you're going to have to live with Exhibit 7.

25 THE DEFENDANT: Your Honor, the rules of evidence

1 state that a newspaper is self-authenticating and that it is
2 allowed unless there's a question of its authenticity. And I
3 did file a motion to have the original brought into court, and
4 you denied that, your Honor.

5 THE COURT: It's not a question of authenticity which
6 is a 901 issue, Rule 901 issue. It's a matter of hearsay
7 rules as well and also relevance and, as I said before, Rule
8 403. So you can use that Defense 7 but I'm not -- I'm still
9 disallowing Defense 18.

10 So you can work that into your direct examination.
11 There's no doubt that you're going to have to reformulate some
12 questions on the fly probably. And then for redirect
13 examination, if there's any -- obviously, you haven't written
14 those down. So you are going to have to make some attempts
15 from the witness stand to formulate questions to ask yourself.
16 So you can make a note now somewhere on your exam outline for
17 Defense 7 to remind yourself to ask yourself that question.
18 But I don't think you prepared one in advance for Ms. Singer,
19 right, on this particular exhibit?

20 MS. SINGER: Correct.

21 THE DEFENDANT: No. She can just add that to No. 15.

22 THE COURT: Oh, okay. Do you understand? He just
23 said add it to No. 15. Does that make sense to you?

24 THE DEFENDANT: Defense 7, add that to the exhibit
25 for No. -- question 15.

1 MS. SINGER: I'll figure it out.

2 THE COURT: Okay. All right. Anything else,
3 Mr. Haas?

4 THE DEFENDANT: No, your Honor.

5 THE COURT: All right. So before --

6 THE DEFENDANT: I'm sorry.

7 THE COURT: Go ahead.

8 THE DEFENDANT: Is it possible I could have a break
9 in between so I can write my follow-up questions?

10 THE COURT: The way it will work is after
11 cross-examination, I'd be willing to give you a pause so you
12 can try to think of some redirect questions, but it's not
13 going to be a long one. Maybe we'll shoot for the midmorning
14 break or something like that, but not during the direct exam.
15 Once we get going, unless we hit a natural break, then I'm not
16 going to just break.

17 THE DEFENDANT: No, I understand. There's just no
18 way for me to get these questions to her. I need a moment to
19 write them down.

20 THE COURT: What I mean -- that's what I meant by,
21 you will have to think of some questions on the fly because
22 for redirect examination -- and this is what lawyers have to
23 do, too. Depending on how the cross-examination goes, you
24 will have to formulate some redirect questions. You're not
25 going to have to write them down in a way that Ms. Singer will

1 then ask the question.

2 I'm saying that you can just jot some notes to
3 yourself on what the questions that you're going to ask
4 yourself on redirect examination. Okay. So redirect happens
5 after the cross-examination. All right. You understand that?

6 THE DEFENDANT: I understand. But I'm supposed to
7 just narrate?

8 THE COURT: No. At that point you're going to be --
9 it will be awkward. And I tried to remove as much of the
10 awkwardness as possible, but you're going to have to ask
11 yourself the -- you'll have to ask yourself the question. And
12 then that way, the government will have an opportunity to
13 object to the question, and then I'll decide whether you can
14 answer it.

15 THE DEFENDANT: You want me to ask myself the
16 question in the third person sitting on the stand?

17 THE COURT: You can do it however you like on that
18 one, like if you want to say the first person or if you want
19 to use third person. That doesn't matter to me. It is --
20 like I said, we talked about this during the pretrial. It is
21 awkward. I'm trying to minimize that awkwardness for the
22 direct exam.

23 I can't do anything else about that for the redirect
24 because I don't think it's fair to the jury to just wait for
25 you to write everything out and then give it to Ms. Singer,

1 plus even though you are pro se and I'm trying to give you
2 leeway here, it's not like I would take a break and let
3 lawyers type out all their questions for redirect. That's not
4 the way it goes.

5 THE DEFENDANT: I understand.

6 THE COURT: Okay. Anything else for the government?

7 MR. JONAS: Your Honor, just if I can ask Mr. Haas,
8 we made some minor corrections to the transcripts for the
9 testimony of David Noordeloos last night. Both Ms. Singer and
10 the Court has it. Would you like a hard copy?

11 THE COURT: Why don't you just give it to him. These
12 are -- it's an updated form of the transcripts that the
13 government anticipates introducing in Mr. Noordeloos'
14 testimony.

15 MR. JONAS: Yes, your Honor. And we sent the
16 defendant a small, a page and a half report that Agent
17 Noordeloos wrote. We sent it Monday to the MCC. I don't know
18 if he received it or not. I'm going to leave that here as
19 well.

20 THE COURT: All right.

21 MR. JONAS: Nothing else from the government, your
22 Honor.

23 THE COURT: Now, Mr. Haas, so in a moment I'm going
24 to ask you to just take the witness stand so that you don't
25 have to walk past the jurors. However, if we have to have a

1 sidebar during the testimony, you are going to have to come
2 off the stand and then go back there to your seat at the table
3 so that you can read what's happening -- or actually, get your
4 headset and listen to what's happening. When you do that,
5 though, try to remember to put your mask back on before you
6 leave that witness stand and walk back to the table. All
7 right?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. So why don't you come on up. You
10 can bring a copy of your questions.

11 THE DEFENDANT: Can I bring a pen?

12 THE COURT: A pen? Yes, that's fine.

13 Can you grab a mike cover?

14 MS. SINGER: Your Honor?

15 THE COURT: Yes.

16 MS. SINGER: Do you want me to -- for hearing
17 purposes for the transcript, is it better for me to stand, or
18 do you want me to stay seated here?

19 THE COURT: How is it, Judy? Was it okay with her
20 sitting?

21 THE COURT REPORTER: It's fine.

22 THE COURT: She'll let us know if you need to stand,
23 but I think sitting might be okay.

24 All right. Let's get the jury.

25 (Pause.)

1 MS. SINGER: Your Honor, unless directed otherwise,
2 I'm just going to be reading these questions as written.

3 THE COURT: That's right. I'm going to tell the jury
4 that, too.

5 I just want to make sure, Mr. Haas, you understand
6 you do have a right to not testify. And if you decided to not
7 testify, I would instruct the jury that they could take no
8 hint or suggestion of guilt just because you decided to not
9 testify.

10 THE DEFENDANT: I understand.

11 THE COURT: And you still wish to testify?

12 THE DEFENDANT: Absolutely.

13 THE COURT: Okay.

14 (Proceedings heard in open court. Jury in.)

15 THE COURT: All right. Please be seated.

16 Okay. Good morning, ladies and gentlemen. Welcome
17 back. Sorry for the delay. We were just trying to put
18 everything in place so that everything goes smoothly as
19 possible going forward. We are ready to begin the defense
20 case.

21 Now, I want to let you know a couple things. One is,
22 the defendant again has decided to represent himself, of
23 course. And what that means is we don't have the usual back
24 and forth between a lawyer and the witness on the stand. So
25 what I did authorize Mr. Haas to do, though, to try to break

1 up the testimony to improve your comprehension and
2 understanding as well as to give the government an opportunity
3 to object to questions is I have authorized him to write down
4 what his questions are, and then he's provided those questions
5 to Ms. Singer, the standby counsel. And so Ms. Singer is
6 simply going to read the questions as-is, as Mr. Haas gave
7 them to her. And at least we'll try to start out this way.
8 There's no doubt that there will be times where the defendant
9 is going to have to try to reformulate and reword some
10 questions, and so just if you just bear with us as we go
11 through this process. But that's what's happening in terms of
12 this question and answer.

13 As I mentioned before, too, the defendant has some
14 exhibits to offer. And if they're allowed into evidence, then
15 the government will be displaying the exhibits because we had
16 to turn it into digital evidence. And Ms. Singer and the
17 Court worked to put that together. And so again, the
18 government's just following my direction in putting up
19 exhibits. That's all they're doing when it comes to the
20 defense exhibits.

21 All right. So with those instructions in mind,
22 Mr. Haas, can you face me for a moment? You can stay seated.
23 Raise your right hand.

24 (Witness sworn.)

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. And then now you can remove
2 your mask.

3 Okay. All right. Ms. Singer?

4 ROBERT HAAS, DEFENDANT'S WITNESS, SWORN

5 DIRECT EXAMINATION

6 BY MS. SINGER:

7 Q. When was the first time the FBI contacted you?

8 A. The first time they contacted me was October of 2016.

9 Q. Did they mention why they were there?

10 A. They visited my mother's house first, and she called me
11 and told me that they were looking for me. And I asked her if
12 they mentioned why. And they told her it was because I was
13 denying the Holocaust.

14 MS. KELLY: Objection, your Honor. Hearsay.

15 THE COURT: All right. Do you have any response to
16 the hearsay objection, Mr. Haas?

17 THE DEFENDANT: No.

18 THE COURT: So it's overruled in part and granted in
19 part. So let me try to explain this to the jury.

20 So there is a concept in the law, ladies and
21 gentlemen, called hearsay. And I'll try to boil it down for
22 you. It's something that law students take about two months
23 with. So let me try to boil this down for you. When a
24 statement is made out of court, under some circumstances that
25 out-of-court statement can't then be considered as evidence

1 for the truth of what was asserted in that statement. That's
2 hearsay. That person is not here in court to be
3 cross-examined. So that's the general rule.

4 However, there are times when a statement is offered
5 into court that has another purpose to it rather than trying
6 to prove the truth of the statement. And one of those is just
7 the impact on the listener, so the listener heard the
8 statement and then they either did something or that's now
9 part of their understanding of what is happening.

10 So let me give you an example of that. So last year
11 when we had sports, remember how terrible the White Sox were?
12 Okay. And I hope none of you are White Sox fans. So let's
13 say someone tells me, "The White Sox are great this year.
14 They're amazing. You should go watch them play."

15 Then I go out to Comiskey or whatever it's called
16 now. And the issue at trial was, why did I go to see the
17 White Sox play? The out-of-court statement -- and then I
18 testify, "Well, my friend told me they're great this year."
19 That out-of-court statement could not be considered for the
20 truth of that very debatable proposition, you know, that the
21 White Sox are great, but it can be considered for its impact
22 on me, the listener. That's why I went. So that's that
23 dividing line.

24 So you can take that last answer not for the truth of
25 what Mr. Haas says his mother said but just for its impact on

1 Mr. Haas.

2 Okay. With that understanding, you can ask the next
3 question, Ms. Singer.

4 BY MS. SINGER:

5 Q. How many times have you been -- how many times visited
6 were you told you don't have a choice and seized to talk
7 without a warrant or charges?

8 A. Four times since October of 2016.

9 Q. How many of your friends and family members have they
10 visited?

11 A. They have visited five of my -- well, two friends and
12 three relatives of mine. And they told them all not to tell
13 me --

14 MS. KELLY: Objection. Hearsay.

15 THE COURT: Okay. So finish -- go ahead and finish
16 the answer. Two friends, three relatives.

17 THE DEFENDANT: That was it.

18 THE COURT: Okay.

19 THE DEFENDANT: Five people total, they've gone and
20 questioned about me.

21 THE COURT: All right. So same thing, ladies and
22 gentlemen. You cannot consider that -- the statements for the
23 truth of the matter, that he was told by friends and neighbors
24 that the FBI or federal government visited him but just its
25 impact on Mr. Haas.

1 All right. Ms. Singer?

2 BY MS. SINGER:

3 Q. What is a threat according to the United States Supreme
4 Court?

5 MS. KELLY: Objection, your Honor. Calls for a legal
6 conclusion.

7 THE COURT: Okay. That objection is sustained.

8 Ladies and gentlemen, I will give you the definition of a true
9 threat under the law at the end of the trial.

10 Next question, Ms. Singer.

11 BY MS. SINGER:

12 Q. How do you feel about your First Amendment?

13 A. I feel it's one of the most important rights that
14 Americans have. You should be allowed to say anything you
15 want without being attacked for it. I think the public's
16 interest in exposing potential wrongdoing by public employees
17 is especially powerful. That's the reason we have a First
18 Amendment, is to expose wrongdoings by our own government.
19 And that was the reason that the Constitution gave us a First
20 Amendment.

21 MS. KELLY: Your Honor?

22 THE COURT: Okay.

23 MS. KELLY: At this point, I do object that he's
24 stretching beyond the permissible scope of testimony about --

25 THE COURT: Okay. I'll let the answer stand. And

1 I'll just remind the jury, I will give you the law including
2 the elements of each crime. And the First Amendment
3 protections are incorporated into the law that I will give
4 you.

5 All right. Ms. Singer?

6 BY MS. SINGER:

7 Q. Do you believe that some people who are harassed and
8 threaten your life want to disarm Americans and also take away
9 their Fourth Amendment?

10 A. I do believe that --

11 MS. KELLY: Objection, your Honor.

12 THE COURT: One second.

13 Go ahead.

14 MS. KELLY: Objection, your Honor. It stretches
15 beyond the scope of your prior ruling and calls for
16 speculation.

17 THE COURT: Okay. Sustained on relevance grounds.

18 Next question, Ms. Singer.

19 BY MS. SINGER:

20 Q. Thank you. Do you believe Americans will lose all their
21 constitutional guarantees?

22 A. I do --

23 MS. KELLY: The same objection, your Honor.

24 THE COURT: Okay. Go ahead and finish the answer
25 this time.

1 THE WITNESS: I do believe that, and we already have
2 pretty much lost our Fourth Amendment, and the Second
3 Amendment is -- and First Amendment are on their way.

4 THE COURT: Okay. The answer may stand. Ladies and
5 gentlemen, let me remind you that the -- whether you agree or
6 disagree with the defendant's beliefs are not at issue at this
7 trial. And the truth or falsity of the defendant's beliefs
8 are not at issue at this trial. His beliefs, though, can be
9 considered by you as relevant evidence as to his motive and
10 his intent.

11 And the defendant, just in responding to the
12 government, it is a criminal defendant who's testifying. And
13 he is representing himself, so I'll give him some leeway here.

14 All right. Ms. Singer, please ask the next question.

15 BY MS. SINGER:

16 Q. Were guns pointed at you during your arrest?

17 A. Yes. Multiple officers were pointing assault rifles and
18 handguns at me.

19 Q. The video of your transport, was it immediately following
20 guns being pointed at you and your dog?

21 A. Yes. They put me directly in the back of the police car
22 and transported me to Chicago, and that's when the video was
23 recorded.

24 Q. Was that the first time federal agents pointed guns at
25 you?

1 A. No, it was not. They've done it two other times.

2 Q. When was the last time?

3 A. The time before that was Agent Noordeloos of the
4 Department of State. He pointed guns at me and said, "Get on
5 the ground or I'm going to shoot you. We need to have a
6 chat."

7 Q. What do you call the creators of those who support Israel?

8 A. Can we --

9 MS. KELLY: Objection, your Honor. Relevance.

10 THE DEFENDANT: Can we put up Defense Exhibit 6?

11 THE COURT: All right. One second.

12 Okay. So not for the jury's viewing yet, I'm going
13 to ask the government to just put up on the -- on your laptop
14 Defense 6.

15 THE DEFENDANT: Your Honor, these are all exhibits
16 that you've approved.

17 THE COURT: I understand. There were some which
18 stated that there were additional conditions that needed to be
19 complied with -- this is one of them -- concerning foundation,
20 so I just want to take a look at it.

21 All right. Do you have some questions about
22 foundation that you had written for Ms. Singer?

23 THE DEFENDANT: Yes. "What do you call the creators
24 of the State of -- and people who support the State of Israel?"

25 THE COURT: Okay. All right. Still without showing

1 it to the jury, around what time was this text sent?

2 THE DEFENDANT: I don't know the exact minute, but it
3 was --

4 THE COURT: Yes, not the minute, just around what
5 month and year.

6 THE DEFENDANT: March -- I'm sorry. May of 2019.

7 THE COURT: And who did you send it to?

8 THE DEFENDANT: Kos -- oh, that one was sent to
9 Robert Rochowiak.

10 THE COURT: Okay. Any further objections on
11 foundation?

12 MS. KELLY: If we could clarify the date, your Honor,
13 now that he's recalled the recipient.

14 THE COURT: Okay. Is it still sometime in May 2019?

15 THE DEFENDANT: Yes.

16 THE COURT: Any other objections based on foundation?

17 MS. KELLY: No, your Honor.

18 THE COURT: Okay. Then Defense 6 is allowed, and
19 I'll put it on the monitor.

20 (Defendant's Exhibit 6 received in evidence.)

21 THE COURT: Okay. Go ahead, Mr. Haas.

22 THE DEFENDANT: Please zoom in on the photo on the
23 right.

24 THE COURT: Okay. I'll ask the government to go
25 ahead and zoom in on that.

1 BY THE WITNESS:

2 A. People who created the State of Israel are called
3 Zionists. They believe in -- they believe in a God's promised
4 land, promised to them even though in the Torah they are
5 exiled until the return of the Messiah, but they choose to
6 occupy Palestine with the star of Satan on their flag.

7 THE COURT: Okay. Next question.

8 THE WITNESS: That's a Google image of the star of
9 Satan. Sorry.

10 THE COURT: Are you done?

11 THE WITNESS: Yes.

12 THE COURT: All right. Next question.

13 BY MS. SINGER:

14 Q. Why do you believe Nikki Haley is a threat to the USA?

15 THE DEFENDANT: Can we show Defense Exhibit 5?

16 THE COURT: All right. One second.

17 Any further objection to Defense Exhibit 5?

18 MS. KELLY: Your Honor, if we could have a brief
19 sidebar.

20 THE COURT: All right. So, Mr. Haas, can you put
21 your mask back on. And then you can walk back to your table
22 there and put on the headset.

23 (Proceedings heard at sidebar:)

24 THE COURT: All right. Ms. Kelly?

25 MS. KELLY: Your Honor, I saw a different exhibit pop

1 up first, so -- but I'll go ahead and express the concern now.
2 Mr. Haas has identified a couple of exhibits that have grand
3 jury exhibit stickers on them. If he plans to introduce them
4 in his testimony, I'd like to propose some sort of a limiting
5 instruction to the jury that they not consider that a document
6 has a grand jury exhibit sticker. We had filed in the public
7 record copies without that sticker, but it appears that he's
8 using this one.

9 THE COURT: Yes, I appreciate you flagging that, but
10 I think if your concern is the jury will wonder what is the
11 grand jury, I'm not sure they're really going to inquire into
12 that or take any particular inference from it. And then
13 otherwise under Rule 6, introducing evidence put before the
14 grand jury at a trial is certainly an exemption.

15 Do you have any concerns, Mr. Haas, about the
16 exhibits having the grand jury sticker on them?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: All right. Anything else from the
19 government?

20 MS. KELLY: No, your Honor.

21 THE COURT: All right. Thanks for flagging that.

22 All right. We'll resume the testimony.

23 (Defendant's Exhibit 5 received in evidence.)

24 (Proceedings heard in open court:)

25 THE COURT: All right. Mr. Haas, you can resume the

1 stand. And you can remove your mask again.

2 Okay. And just to orient everyone, Ms. Singer, can
3 you just reask that question with regard to Defense 5 which is
4 allowed into evidence? And I'll turn the screen on.

5 BY MS. SINGER:

6 Q. Yes. Why do you believe Nikki Haley is a threat to the
7 USA?

8 A. Nikki Haley was the UN ambassador at the time when I sent
9 this message. She is the reason that the State Department
10 came and pointed guns at me and threatened me. And she's
11 beholden to the State of Israel. Any video you watch of her
12 on You Tube or any --

13 MS. KELLY: Your Honor, objection.

14 THE DEFENDANT: -- press conference you see of her --

15 THE COURT: All right.

16 MS. KELLY: We're going beyond the scope of the
17 exhibit.

18 THE COURT: Okay. I'm going to just, given that
19 leeway, complete your answer as concisely as you can.

20 BY THE WITNESS:

21 A. I don't believe she is loyal to the United States.

22 THE COURT: Okay. Next question, please.

23 BY MS. SINGER:

24 Q. Is she one of those you mentioned who plotted against
25 American constitutional guarantees? I believe this is in

1 relation to Government Exhibit 74.

2 MS. KELLY: Objection, your Honor. Relevance.

3 THE COURT: All right. One second.

4 MS. KELLY: Lack of foundation. Speculation.

5 THE COURT: Okay. The objection is overruled. I'm
6 going to just remind the jury again that the truth or falsity
7 of the beliefs is not at issue. The beliefs can go to
8 defendant's motive and intent. And I'm just going to give
9 leeway to this defendant who is representing himself.

10 All right. Go ahead and answer, Mr. Haas.

11 THE DEFENDANT: Can we put up Exhibit No. 74?

12 THE COURT: All right. And so this is Government
13 Exhibit 74. If you could swap that out, I'll ask the
14 government to do that before I turn the monitor on.

15 THE DEFENDANT: Can we zoom in on that document?

16 THE COURT: Okay. Is there a question that you have
17 lined up for Ms. Singer to ask about this?

18 THE DEFENDANT: Yes. She asked it already but --

19 THE COURT: All right.

20 THE DEFENDANT: -- could you please repeat it?

21 BY MS. SINGER:

22 Q. Is she one of those you mentioned who plotted against
23 American constitutional guarantees?

24 A. I absolutely believe that. Like I said, she was the
25 United Nations ambassador for years. And this is a United

1 Nations document speaking of disarming American citizens going
2 door to door to collect weapons, all weapons.

3 THE COURT: All right. Next question.

4 MS. SINGER: Your Honor, I believe this is in
5 relation to the new exhibit.

6 THE COURT: Defense 7?

7 MS. SINGER: Yes.

8 THE COURT: Okay.

9 MS. SINGER: You mentioned --

10 THE DEFENDANT: Yes.

11 BY MS. SINGER:

12 Q. You mentioned multiple times that you shared evidence of
13 Israelis demolishing the World Trade Center on September 11th,
14 2001.

15 A. Can we pull up that exhibit?

16 THE COURT: All right. I'll ask the government to do
17 that. All right. One second.

18 THE DEFENDANT: Can we zoom in on the two photographs
19 on that?

20 THE COURT: All right. Defense 7 is allowed.

21 (Defendant's Exhibit 7 received in evidence.)

22 THE DEFENDANT: Can we zoom in on the whole -- you
23 didn't get the whole photograph there, the -- there you go.
24 Yes, that's better.

25 BY THE WITNESS:

1 A. As hard as it might be to believe, a group of foreign art
2 students, not U.S. citizens, managed to get temporary
3 construction ID for the entire World Trade Center complex.
4 While they removed a window and extended a wooden balcony
5 while their sponsor was in the Millennium Hotel taking
6 photographs, he hired a helicopter to document the event. And
7 only a retired flight attendant sees something fishy.

8 Notice the boxes. This is the red underneath the top
9 right photo. Notice the boxes of demolition fuse holder,
10 BB18. What kind of art project are these Israelis up to? If
11 you notice, the walls from floor to ceiling, walls on the left
12 and right, are lined with boxes of demolition fuse holder made
13 by Dick Cheney's company, Littelfuse, right here in Chicago.

14 They have rappelling gear hanging in the window in
15 the photo on the top left, and he's actually standing on the
16 balcony out the window in that top left photo. In the bottom
17 photo, you can see him looking over Manhattan on the balcony
18 at dusk about to go up on the side of the building. Israeli
19 art students.

20 BY MS. SINGER:

21 Q. Did you share this with FBI and Department of State?

22 A. I did. I sent it to multiple agencies, posted it online
23 many times.

24 Q. What was their reaction to these photographs?

25 A. There was --

1 MS. KELLY: Your Honor, the question is fairly
2 compound. Can we get more specific detail of who, what,
3 where?

4 THE COURT: All right. Sustained.

5 BY MS. SINGER:

6 Q. Do you truly believe Israelis demolished the World Trade
7 Center with 2,000 Americans inside and will do anything to
8 stop this information from spreading?

9 A. I do believe that. I believe anybody who shares this
10 information, their life is in danger.

11 Q. Exhibit -- Defense Exhibit 19. Do you also believe --

12 THE COURT: All right. One moment.

13 Yes, I'll ask the government to pull up Defense 19.
14 And as they're doing that, you can ask the question,
15 Ms. Singer.

16 MS. SINGER: Thank you, your Honor.

17 BY MS. SINGER:

18 Q. Do you also believe they have been behind many terrorist
19 attacks in the past?

20 A. Absolutely, I do. And I'd like this exhibit to be shown.

21 THE COURT: It's on the jury monitor now already.

22 THE WITNESS: Okay.

23 THE COURT: Defense 19 is in.

24 (Defendant's Exhibit 19 received in evidence.)

25 BY THE WITNESS:

1 A. I do believe that they have been behind many terrorist
2 attacks in the past. The photo you're looking at right now is
3 photos of Menachem Begin. And if we could zoom in on the two
4 left-hand photos, the ones on the left, you'll see it says he
5 claimed he was the father of terrorism. Menachem Begin, the
6 terrorist founder of Israel's ruling Likud party, bragged
7 about being the father of terrorism in all the world. The
8 Likud party is now headed by Benjamin Netanyahu.

9 The bottom three photos show the King David Hotel
10 blown up by this group of Israelis. The next photo is
11 Menachem Begin, his wanted photo, wanted terrorist. And then
12 the last one shows him finishing his career as the Israeli
13 prime minister.

14 Now, can we zoom in on the other two photos on this
15 page that are on the right -- I'm sorry, all three of those.
16 This one, the top, the top one -- give me one second here.
17 I'm sorry.

18 Representative Rahm Emanuel, the Democrat Congressman
19 for the Fifth District of Illinois in Chicago, is the son of
20 an Israeli terrorist. Rahm's father, Benjamin, was a member
21 of the Irgun, the Zionist terrorist organization that coined a
22 new word as they blew up hotels, train stations, and other
23 buildings in Palestine in the 1930s and '40s. Rahm --

24 MS. KELLY: Your Honor --

25 THE WITNESS: -- was an Israeli citizen until he was

1 18 years old when for obvious reasons, he hid his Israeli
2 passport in his underwear drawer. In 1991, however, he pulled
3 out his Israeli passport to join the Israeli Army to defend
4 Zion reportedly from Saddam's SCUDs.

5 Irgun, the army of his father, is short for Irgun
6 Zvai Leumi --

7 THE COURT: All right. Let me -- I'm going to
8 interrupt you there, Mr. Haas. So what are you reading from?

9 THE DEFENDANT: I'm reading from a note that I have.

10 THE COURT: All right.

11 THE DEFENDANT: I'll just read from the image.

12 THE COURT: As we discussed before trial, you can
13 bring certain things up for testimony including the questions
14 that you're going to ask yourself and notations about which
15 exhibit is being referred to but not otherwise written notes.

16 Witnesses are not allowed to do that.

17 THE DEFENDANT: I'll just read from this.

18 THE COURT: Go ahead.

19 THE DEFENDANT: Benjamin Emanuel is one of many
20 Rothschild Zionist agents who were relocated to America after
21 the establishment of Israel to produce children born as
22 American citizens to hijack the political process. His son
23 was former chief of staff of Obama and now serves the
24 Rothschilds as the current mayor of Chicago. This is an older
25 photograph. He's obviously not the mayor of Chicago anymore.

1 The one below that says: The 2nd of July 1946, the
2 King David Hotel in Jerusalem was bombed killing 91 people.
3 Menachem Begin, the sixth prime minister of the State of
4 Israel who was later awarded the Nobel Prize for peace, is the
5 same man who planned the destruction of the King David Hotel.

6 The final photo says: "Jewish freedom fighters or
7 terrorists." And those are posters from Great Britain in the
8 1930s and '40s.

9 THE COURT: All right. And then once again, ladies
10 and gentlemen, I'll remind you, the truth or falsity of the
11 beliefs is not at issue. It's just if the defendant held the
12 beliefs. You can consider that as to motive and intent.

13 THE DEFENDANT: Can we zoom in just on the bottom one
14 in that row?

15 And that's -- I'm finished with that exhibit.

16 THE COURT: All right. Next question.

17 BY MS. SINGER:

18 Q. What is in the Talmud that makes you feel threatened?

19 MS. SINGER: This is -- I believe he wants Defense
20 Exhibit 1, your Honor.

21 THE COURT: All right. One moment.

22 Okay. I'll ask the government to put up Defense 1.
23 It's allowed into evidence with the same instruction to the
24 jury.

25 THE DEFENDANT: Your Honor, I can't -- I can't read

1 these. They're not clear enough, but I do have it written
2 down what they say. Can I read those notes?

3 THE COURT: Are you saying you have a paper copy of
4 the exhibit?

5 THE DEFENDANT: I have notes that I've taken from the
6 exhibit, the words, the text from the exhibit.

7 THE COURT: If you don't have the actual exhibit
8 itself, then you cannot just read from notes that you've taken
9 about the exhibit.

10 THE DEFENDANT: Can we zoom in on the black
11 photograph?

12 THE COURT: All right. I'll ask the government to do
13 that.

14 THE DEFENDANT: I can't read that, your Honor.

15 THE COURT: Then you'll have to do the best you can
16 in terms of paraphrasing what you think it says.

17 THE DEFENDANT: This is why I requested that these
18 documents be produced in their full digital clarity.

19 THE COURT: Mr. Haas, you did have access to
20 discovery, so we're not going to dispute --

21 THE DEFENDANT: This is all the government --

22 THE COURT: Mr. Haas, we were not -- we ought not
23 discuss discovery matters before the jury. So you may testify
24 about what you believe it says, but if you're not able to read
25 it, then you're not able to read it. So you can go ahead and

1 testify as to what beliefs you derive from what you believe is
2 on there. Feel free to do that.

3 THE DEFENDANT: I know you people aren't allowed to
4 research anything right now while the trial is going on, but I
5 beg you --

6 MS. KELLY: Your Honor --

7 THE COURT: Mr. Haas, you have to testify to the
8 pending topic which I just described to you in some detail
9 rather than making a direct plea to the jury.

10 THE DEFENDANT: I was just asking them to research on
11 their own --

12 THE COURT: Mr. Haas --

13 THE DEFENDANT: -- in the future --

14 THE COURT: Mr. Haas, please deliver your answer --

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: -- so that we can continue with your
17 examination and you can get your testimony out there.

18 BY THE WITNESS:

19 A. In the Jewish Talmud, it states that non-Jews are cattle.
20 We are here to serve them. They are God's chosen people. It
21 talks about enslaving non-Jews, raping non-Jews, killing our
22 children. It says even the best of the Christians should be
23 sacrificed.

24 I wish I could read it to you because I can't --
25 it's -- there's so much disgusting stuff. When you post it

1 online, most people don't even believe it and you get -- it's
2 like poking a beehive. Israelis and Jewish people come out of
3 the woodwork to attack you for exposing it.

4 THE COURT: All right. Next question.

5 BY MS. SINGER:

6 Q. Again, I believe this is in relation to Defense Exhibit 1.
7 The question is: What do those photos say?

8 A. Yeah, I can't read them.

9 THE COURT: All right. Next question.

10 BY MS. SINGER:

11 Q. Again, Defense Exhibit 1: Who was involved in the Black
12 Nobility and the Committee of 300?

13 A. Can we zoom out of this photo back to the original?

14 In the bottom left-hand corner, you can see a photo.
15 It says, "The Black Nobility and the Committee of 300: The
16 real terrorists." And the photos surrounding the Free
17 Masonry symbol is George Soros, Rockefeller, two Rothschilds
18 at the top, the Pope, the queen of England, and the black Pope
19 and then their group of, I'm not sure how you pronounce it,
20 Jesuits, people who control the world basically.

21 THE COURT: Next question.

22 BY MS. SINGER:

23 Q. Who is the man with Prince Charles?

24 A. That is Jimmy Savile from the BBC. He was a host of
25 television shows, a radio DJ, convicted pedophile and knighted

1 by the British royal family.

2 Q. And who is the man poking Prince Charles in the chest?

3 A. That's a Rothschild family member.

4 Q. What does this have to do with our government?

5 MS. SINGER: And this is, he's requesting Defense
6 Exhibit 8, your Honor.

7 THE COURT: All right. I'll ask the government to
8 put on 8. Okay. 8 is allowed.

9 All right. Go ahead, Ms. Singer.

10 THE DEFENDANT: Can we zoom in on the photograph in
11 the middle?

12 BY THE WITNESS:

13 A. I believe this is relevant at this point because these
14 same people who control the world have hijacked our political
15 process: APAC, the American-Israel Political Affairs
16 Committee, lobbyists control our government and control our
17 media. They control our education system. And if you
18 question it, you are attacked for it.

19 I feel it's a serious threat to the American way, to
20 our constitutional guarantees, to our children's futures. I
21 don't even have children, but if you have children, you need
22 to put --

23 MS. KELLY: Your Honor --

24 THE COURT: Mr. Haas, no direct addressing the jury
25 in this way. It's just to deliver facts.

1 THE DEFENDANT: I'm finished with that.

2 THE COURT: Okay. Next question, please.

3 BY MS. SINGER:

4 Q. You mentioned history we're taught is a lie. Can you
5 explain a little?

6 MS. KELLY: Objection, your Honor.

7 THE COURT: Yes. Sustained as to its overbreadth.

8 BY MS. SINGER:

9 Q. What made you so upset about this alternate history you
10 learned while in Russia?

11 MS. KELLY: Same objection, your Honor.

12 THE COURT: Sustained on the same grounds.

13 BY MS. SINGER:

14 Q. What is the Haavara Agreement?

15 MS. KELLY: Objection, your Honor.

16 THE COURT: Okay. We need a sidebar on this.

17 Mr. Haas, can you put your mask back on and step back
18 to the counsel table.

19 (Proceedings heard at sidebar:)

20 THE COURT: All right. Before I ask Mr. Haas,
21 Ms. Singer, what is the spelling that Mr. Haas provided on
22 that word?

23 MS. SINGER: H-a-a -- can you hear me?

24 THE COURT: We're having trouble. You know what,
25 it's okay. I'll ask Mr. Haas directly. How do you spell

1 Haavara?

2 THE DEFENDANT: H-a-a-v-a-r-a.

3 THE COURT: All right. What is it, Mr. Haas?

4 THE DEFENDANT: It is an agreement between national
5 socialist Germany and national Zionists in the 1930s.

6 THE COURT: All right. The objection is sustained.
7 That is irrelevant. And I've given plentiful leeway for the
8 defendant to express his beliefs and, therefore, this line of
9 questioning is excluded.

10 All right. Let's return to testimony.

11 (Proceedings heard in open court:)

12 THE COURT: All right. You can remove your mask
13 again.

14 And Ms. Singer?

15 BY MS. SINGER:

16 Q. Where do the -- where do the Rothschilds fit into all of
17 this?

18 MS. KELLY: Objection, your Honor.

19 THE COURT: Overruled. I'll allow the defendant some
20 leeway.

21 Go ahead.

22 BY THE WITNESS:

23 A. The Rothschilds are international bankers. They are
24 founders of the State of Israel. They create our currency.
25 They control all of our banks. They control the banks of

1 England. And there's nine countries in the world that don't
2 have Rothschild banks. They are Syria, China, Russia, Iran,
3 Venezuela, Hungary, North Korea. These are all countries that
4 we're at war with. This is a very thorough list of all the
5 countries that we have problems with. None of them have
6 Rothschild central bank. It's not a coincidence.

7 THE COURT: Mr. Haas, that's sufficient for the
8 answer now.

9 Please ask the next question, Ms. Singer.

10 BY MS. SINGER:

11 Q. Why would these people commit the September 11, 2001,
12 attacks?

13 MS. KELLY: Objection, your Honor.

14 THE COURT: Sustained. There's been sufficient
15 leeway given on other lines of questioning.

16 Next question, please.

17 MS. SINGER: That's all, your Honor.

18 THE COURT: All right. And aside from those written
19 questions, Mr. Haas, at this moment do you want to conclude
20 your direct examination, or do you want to try to formulate
21 some questions to yourself right there?

22 THE DEFENDANT: I'm finished, your Honor.

23 THE COURT: All right. Then we can begin the
24 cross-examination by the government.

25 CROSS-EXAMINATION

1 BY MS. KELLY:

2 Q. Good morning, Mr. Haas.

3 A. Good morning.

4 Q. You testified that law enforcement investigated you in
5 2016?

6 A. Yes.

7 Q. You met with an FBI task force officer named Tim
8 Robertson, correct?

9 A. Yes.

10 Q. You don't have any complaints about how Officer Robertson
11 treated you during that interview, do you?

12 A. I told him I did not wish to speak with him, and he again
13 like all the other officers made an illegal seizure and said,
14 "You don't have a choice. You will come and meet me."

15 Q. That is your testimony about Tim Robertson under oath?

16 A. Yes, ma'am, absolutely.

17 Q. You claim that he threatened you?

18 A. He did not threaten me -- well, he threatened me with
19 arrest if I didn't come and speak to him.

20 Q. He didn't arrest you, did he?

21 A. No, because I came and met him.

22 Q. And you only met with him once?

23 A. Yes, ma'am.

24 Q. And he never contacted you again, did he?

25 A. No, he did not.

1 Q. You also mentioned the State Department in your testimony,
2 right?

3 A. Yes, ma'am.

4 Q. You spoke with a State Department agent named David
5 Noordeloos, right?

6 A. Yes.

7 Q. That occurred in 2018?

8 A. Yes.

9 Q. That occurred in January 2018?

10 A. Yes.

11 Q. And the reason that Agent Noordeloos came to speak with
12 you is because you posted on the public Instagram page of
13 former ambassador Nikki Haley, right?

14 A. Yes.

15 Q. And around January 2nd, 2018, you posted several
16 statements on her public Instagram page --

17 A. Yes.

18 Q. -- right?

19 And one of the things you said is, "You are going to
20 hang, bitch. I promise you this"?

21 A. Did I say I was coming to hang her?

22 Q. One of the things you said is, "You are going to hang,
23 bitch. I promise you this." Correct? That's what you said?

24 A. It was obviously protected speech, or I would have been
25 arrested right then and there. They came wanting me --

1 THE COURT: Mr. Haas --

2 THE WITNESS: -- to --

3 THE COURT: Mr. Haas, please stop.

4 All right. The jury will disregard the answer. It
5 was nonresponsive.

6 I believe, Mr. Haas, the question is whether you
7 posted those words. Did you post those words?

8 THE WITNESS: I posted those words.

9 BY MS. KELLY:

10 Q. And you also posted on her Instagram page, "Your lies will
11 not stop the truth. You're as good as dead now. You should
12 kill yourself because what humanity is going to do to you
13 Holocaust fakers is going to hurt bad, bitch."

14 A. Yep, I did.

15 Q. David Noordeloos came to meet with you on January 25th,
16 2018, right?

17 A. Yes.

18 Q. And when he encountered you, you were outside your home?

19 A. Yes.

20 Q. And you testified or indicated that he drew a gun?

21 A. He stepped out of the vehicle with a gun in his hand.

22 That's how I knew something was wrong, and I turned to walk
23 away.

24 Q. He drew a gun because you made a gesture toward your
25 pocket when you saw him; isn't that right?

1 A. That's what you have been led to believe. That is not the
2 facts of the matter.

3 Q. Are you denying that you made any gesture toward your
4 pocket?

5 A. No. I turned and went back towards my house. My keys are
6 in my pocket. That's how I open the door, with a key. So I
7 turned to go back to my house and felt for my keys because I
8 was going to go back in my door. Gentlemen just jumped out of
9 vehicles with guns.

10 Q. So you're agreeing with me that you reached toward your
11 pocket?

12 A. Yes.

13 Q. And you told Dave Noordeloos that you believe that he was
14 Mossad and you were about to attack him. Isn't that what you
15 said?

16 A. I did not say I was about to attack him.

17 Q. You talked to him about slapping his face off with a
18 chain, didn't you?

19 A. If I was going to attack him, I would have not turned and
20 went the opposite way. I would have went towards him and
21 pulled the chain out of my pocket that was on my keys. It's a
22 keychain.

23 Q. You had --

24 A. Keychain.

25 Q. You had a chain in your pocket, right?

1 A. Keychain, yes.

2 Q. And you're denying that you said anything to David
3 Noordeloos about slapping someone's face off with a chain?

4 A. I'm not denying that. I said -- I don't remember exactly
5 what I said, but I did not say I was going to slap his face
6 off with a chain. If he didn't identify himself, it might
7 very well have happened.

8 If he got close enough and didn't say, "FBI, get on
9 the ground, I'm going to shoot you in your head," yes, I might
10 have slapped him in the face. Anybody approaching me with a
11 gun is going to -- I'm going to take the gun from them. I'm
12 threatened. My life is threatened. You exited your vehicle
13 with a gun.

14 Q. You're going beyond -- well beyond what I've asked you.

15 A. I answered your question very thoroughly.

16 Q. So do you agree or disagree that when you encountered
17 David Noordeloos, you talked about slapping his face off with
18 a chain?

19 A. I said that ten minutes later after he was inside my
20 house.

21 Q. Okay. So you said it. Okay.

22 A. I did say it, yes, absolutely. I defended myself.

23 Q. You agreed to let David Noordeloos inside your apartment
24 for an interview, right?

25 A. No. He demanded. He said if -- "We're going to have a

1 chat either here or at the police station. It's your choice."
2 I did not feel like being locked in a room in the police
3 station for five hours, so I allowed them in my house.

4 Q. So the answer is yes, you agreed to let him in your
5 apartment?

6 A. Yes. He made an illegal seizure, yes, without probable
7 cause or a warrant or charges, yes.

8 Q. During your interview with David Noordeloos, you told him
9 that he seemed pretty calm, right?

10 A. I don't remember that.

11 Q. Are you denying saying it?

12 A. I don't remember saying that.

13 Q. David Noordeloos treated you with respect during the
14 interview?

15 A. During the interview, no, not really. He was okay for a
16 police officer, but not really, no.

17 Q. He never raised his voice at you?

18 A. He did not raise his voice at me.

19 Q. He never threatened you?

20 A. No.

21 Q. He didn't arrest you, right?

22 A. No. He had no charges. He had no reason to be there.

23 Q. And you discussed with David Noordeloos during that
24 interview threats that you said you had received from other
25 people, right?

1 A. Yeah, hundreds.

2 Q. And you told David Noordeloos that someone had called you
3 a pedophile online?

4 A. Yes.

5 Q. It wasn't law enforcement that called you that name but a
6 private citizen, right?

7 THE DEFENDANT: I object, your Honor. This has
8 nothing to do with Noordeloos.

9 THE COURT: Overruled based on the direct
10 examination. So please do answer that question.

11 THE WITNESS: What was the question again?

12 THE COURT: Please repeat the question.

13 BY MS. KELLY:

14 Q. The person who called you a pedophile as you relayed the
15 information to Dave Noordeloos was not a law enforcement
16 officer but a private citizen, right?

17 A. Yes.

18 Q. And you gave Dave Noordeloos, during that interview,
19 permission to review the contents of your phone?

20 A. I didn't give him permission to review the contents of my
21 phone. I showed him specific photographs.

22 Q. Was he allowed to look at the phone or not?

23 A. I showed it to him, yes.

24 Q. And you told Dave Noordeloos that you threaten people
25 back. That's what you said?

1 A. I respond sometimes, yes.

2 Q. You told him that. You told Dave Noordeloos that you
3 threaten people back?

4 A. If you're trying to make me lie, it's not going to happen.
5 Yes, I told him that. If somebody threatens me, I threaten
6 back sometimes. I defend myself. I've said that already.

7 Q. You told David Noordeloos that you were at war with people
8 and you were going to lead the world to exterminate them,
9 right?

10 A. Absolutely. I'm at war with terrorists, the real
11 terrorists. The whole country is supposedly in a war on
12 terrorism --

13 THE COURT: All right. Mr. Haas, that does conclude
14 the answer. I believe you responded.

15 Next question.

16 BY MS. KELLY:

17 Q. You have held a hatred for Jewish people for a long time;
18 is that true?

19 A. Have you ever read the Talmud? They hate you.

20 THE COURT: Mr. Haas, please do just answer the
21 question.

22 THE WITNESS: What was the question again?

23 BY MS. KELLY:

24 Q. You have held a hatred for Jewish people for a long time?

25 A. Yes.

1 Q. Years before you ever met Dave Noordeloos?

2 A. Yes.

3 Q. Years before FBI Task Force Officer Tim Robertson visited
4 you in 2016?

5 A. Is being atheist a crime?

6 THE COURT: Mr. Haas, that's not responsive. Please
7 confine your testimony to a response to the question.

8 BY THE WITNESS:

9 A. Yes.

10 BY MS. KELLY:

11 Q. You believe people who disagree with you are terrorists?

12 A. I do not.

13 Q. You believe that people who disagree with you should be
14 killed?

15 A. I'm atheist. I love Christians and Muslims.

16 THE COURT: Mr. Haas --

17 THE WITNESS: It's the Jews that are a problem.

18 THE COURT: -- that's not responsive.

19 MS. KELLY: You believe --

20 THE WITNESS: It was a very thorough answer.

21 THE COURT: Mr. Haas, let's have a sidebar. Please
22 put your mask on and walk back to counsel table.

23 (Proceedings heard at sidebar:)

24 THE COURT: All right. Mr. Haas, you have delivered
25 your direct examination, but you are now subject to

1 cross-examination. You have to answer the questions that are
2 posed to you and just those questions. You'll have a chance
3 for redirect examination if you can formulate questions that
4 are not objectionable.

5 And otherwise, if you fail to comply with the
6 directive to just answer the question rather than continue to
7 make speeches, I'll have no choice but to strike your direct
8 examination. I do not want to do that, but that's what I'll
9 do. I will turn to the jury, and I will instruct them that
10 they cannot consider your direct examination.

11 So I do not want that. I am sure you don't want
12 that. So stop making the speeches. And again, you are more
13 than intelligent enough to know that you are crossing the
14 line, and you're doing it intentionally. So please do stop so
15 that you can preserve your direct examination, so that you can
16 deliver a redirect examination if possible, and then you can
17 have a closing argument where you actually have your testimony
18 to point to.

19 Do you understand?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you have any questions about that?

22 THE DEFENDANT: No, sir.

23 THE COURT: All right. Let's resume the testimony.

24 (Proceedings heard in open court:)

25 THE COURT: Okay. You can remove your mask again.

1 And Ms. Kelly.

2 BY MS. KELLY:

3 Q. You believe people who disagree with your beliefs should
4 be killed?

5 A. I do not.

6 Q. That's what you posted repeatedly online, isn't it?

7 A. Never, ever did I post. I'd like to see it. Show me
8 where I said that ever.

9 Q. Are you denying that you posted repeatedly that if anyone
10 such as law enforcement --

11 A. Tries to stop me --

12 Q. -- attempts to --

13 THE COURT: All right. Go ahead and complete the
14 question.

15 BY MS. KELLY:

16 Q. Are you denying that you posted repeatedly online that
17 anyone who tries to investigate you or doesn't subscribe to
18 your beliefs should be killed?

19 A. I have never said that, never. Show me.

20 Q. And you witnessed the internet postings that we displayed
21 for the jury, correct?

22 A. I did witness them.

23 Q. And you authored all those posts, didn't you?

24 A. Yes, ma'am.

25 Q. You believe that Joe Kostuchowski is a terrorist?

1 A. I do.

2 Q. And you believe that Joe Kostuchowski should be killed?

3 A. In a way, yes, I do.

4 Q. You believe Jewish people should be killed?

5 A. Not all Jewish people.

6 Q. You don't believe there are any good Jewish people, do
7 you?

8 A. I think most of them are very uneducated and have never
9 read their Talmud. If they did, they would flee it or they
10 are a terrorist, absolutely. Read the Talmud --

11 THE COURT: All right. Next question.

12 THE WITNESS: -- I beg you. I beg you.

13 THE COURT: Next question.

14 BY MS. KELLY:

15 Q. When Dave Noordeloos met with you, he tried to talk you
16 out of making threats, didn't he?

17 A. No. He said, "You're just a keyboard warrior. You're all
18 talk. You'll never do anything."

19 Q. I'm talking now about the State Department interview with
20 Agent Dave Noordeloos in January 2018.

21 A. Oh, I'm sorry. He did --

22 THE COURT: Wait one second.

23 THE WITNESS: He did.

24 THE COURT: All right. The answer can stand.

25 Next question.

1 BY MS. KELLY:

2 Q. Dave Noordeloos tried to talk you out of making threats,
3 correct?

4 A. I never made threats.

5 Q. He talked to you during the interview about not making
6 threats, didn't he?

7 A. If I had made threats, I would have been arrested, ma'am.

8 Q. Are you agreeing or disagreeing as to whether --

9 A. I disagree. I was not -- I've never made a threat.

10 Q. He never said --

11 A. He accused me of making threats. He had no charges.

12 Obviously, I had not made threats.

13 Q. You're not answering my question. My question is whether
14 Dave Noordeloos spoke to you during your interview about
15 stopping threats.

16 A. He accused me of making threats. I said, "If I made
17 threats, arrest me." And he left with his tail between his
18 legs with no charges because I had never made a threat, ma'am.

19 THE COURT: All right.

20 THE DEFENDANT: Never made a threat.

21 THE COURT: The jury will disregard that last answer.
22 It was not responsive.

23 BY MS. KELLY:

24 Q. David Noordeloos asked that you tone down your rhetoric,
25 didn't he?

1 A. And I told him I will not.

2 Q. So the answer to my question is yes, he told you --

3 A. He did tell me to tone it down. I told him no,
4 absolutely.

5 Q. And he told you if you don't tone down your rhetoric, you
6 could get charged with a crime?

7 A. I don't remember that.

8 Q. And you didn't tone down your rhetoric, did you?

9 A. No, I did not.

10 Q. On January 26th, 2018, you met with Dave Noordeloos a
11 second time, right?

12 A. Yes, ma'am.

13 Q. And he never raised his voice during that meeting?

14 A. No.

15 Q. Never threatened you?

16 A. No.

17 Q. And during that meeting, you told Dave Noordeloos that you
18 cannot control your anger and that you have an anger problem,
19 right?

20 A. Possibly.

21 Q. And Dave Noordeloos offered to get you anger management
22 help, didn't he?

23 A. Yes, he did.

24 Q. And you did not accept that help?

25 A. Absolutely not.

1 Q. And you never --

2 A. Anger is not a crime, ma'am.

3 THE COURT: Mr. Haas, that completes the answer.

4 Next question.

5 BY MS. KELLY:

6 Q. You never heard from Dave Noordeloos again after that
7 January 26, 2018, meeting, did you?

8 A. No, I did not.

9 Q. Mr. Haas, I've been reminded to ask you, did you have --
10 do you recall meeting with Dave Noordeloos a third time
11 briefly the next day?

12 A. I do.

13 Q. Okay. And during that meeting -- that would have been on
14 January 27, 2018?

15 A. I guess.

16 Q. During that meeting, Dave Noordeloos talked to you about
17 the fact that you had been posting information online about
18 Robert Rochowiak, another State Department agent, correct?

19 A. Yes. I posted his business card.

20 Q. And Dave Noordeloos asked you about that, didn't he?

21 A. Yes, he did.

22 Q. And he asked you to stop posting his business card?

23 A. He did.

24 Q. And what did you say in response?

25 A. I told him I will not. "Am I being charged with this?"

1 Why would I stop posting it? He's a government agent. It's
2 public information. These are facts. Why would I stop?

3 Q. So the answer is, no, you refused to stop?

4 A. Absolutely.

5 Q. When you showed the jury a couple of exhibits,
6 specifically Exhibit 6 and Exhibit 8 of yours, those were text
7 messages that you sent to State Department Agent Robert
8 Rochowiak, right?

9 A. I don't have them in front of me.

10 Q. I am now displaying what was marked as Defense Exhibit 6.
11 Are these text messages that you sent to State Department
12 Agent Robert Rochowiak?

13 A. Yes, they are.

14 Q. I'm now displaying Defense Exhibit 8. Are these
15 additional text messages that you sent to State Department
16 Agent Robert Rochowiak?

17 A. Yes, they are.

18 Q. Was Robert Rochowiak with Agent Noordeloos when they
19 interviewed you on January 25th, 2018?

20 A. Yes, he was.

21 Q. And what happened was after that interview occurred, you
22 found Agent Rochowiak's business card in your home, right?

23 A. Yes.

24 Q. And you began texting Robert Rochowiak, right?

25 A. Yes, ma'am.

1 Q. And you began posting his business card online, right?

2 A. Yes, ma'am.

3 Q. And you sent Agent Rochowiak dozens of text messages,
4 didn't you?

5 A. Oh, my gosh. Yes, I did.

6 Q. Okay.

7 A. Exposing the real terrorists in the world.

8 THE COURT: Mr. Haas, the answer is done.

9 BY MS. KELLY:

10 Q. And you also post -- started posting messages on vk.com
11 after you met with the State Department, right?

12 A. Yes, ma'am.

13 Q. You posted messages under the screen names Robert Haas and
14 Fox News?

15 A. Possibly.

16 Q. You posted messages under the VK account name Robert Haas?

17 A. Possibly.

18 Q. I thought we discussed a minute ago that the vk.com
19 postings --

20 A. They are my accounts. I don't have these photos in front
21 of me. I don't know what you're talking about. I make posts
22 every day. I have no idea what you're talking about.

23 Q. You saw the exhibits that we showed to the jury which were
24 the postings on vk.com, right?

25 A. I have.

1 Q. And some of those postings were under the account name
2 Robert Haas, true?

3 A. Yes.

4 Q. And those were your postings, right?

5 A. Yes.

6 Q. And then some of the other postings were under the screen
7 name Fox News, correct?

8 A. Yes.

9 Q. And those were your postings, right?

10 A. Yes.

11 Q. You were in Ottawa, Illinois, when you made the posts?

12 A. Yes.

13 MS. KELLY: Your Honor, permission to publish Exhibit
14 43, Government Exhibit 43 which has been admitted in evidence.

15 THE COURT: All right. You may.

16 BY MS. KELLY:

17 Q. Mr. Haas, I'm showing you Government Exhibit 43. This is
18 a post you made on December 29th, 2018?

19 A. Are you asking me?

20 Q. Yes.

21 A. Yes, ma'am.

22 Q. And you posted the portion under Fox News as well as the
23 two comments, right?

24 A. Yes, ma'am.

25 Please note the top sentence: "Anyone trying to stop

1 the truth" --

2 THE COURT: Mr. Haas, there's not a pending question
3 right now.

4 BY MS. KELLY:

5 Q. And what you said in the first comment is, "You try to
6 stop me from telling the truth, I will cut every throat in
7 your home. Try me." Correct?

8 A. Stop me from telling the truth, exactly.

9 Q. And that's another way of saying that people who disagree
10 with you should be killed, right?

11 A. No. If you try to -- if you try to take away my First
12 Amendment, stop me from telling the truth. I did not say "if
13 you disagree with me." I said, "stop me from telling the
14 truth." Can you read?

15 Q. Your view of the First Amendment and your version of the
16 truth, right?

17 A. No.

18 Q. Your version?

19 A. No. People argue with me all the time. I just destroy
20 them in the debate. Stop me from telling the truth --

21 Q. You've answered the question.

22 A. -- then you have violated my rights.

23 THE COURT: The answer is complete, Mr. Haas.

24 Next question.

25 BY MS. KELLY:

1 Q. Then you made -- this post again was dated in December
2 2018, about 11 months after you met with the State Department,
3 right?

4 A. This one?

5 Q. Yes.

6 A. It looks like it, yes.

7 Q. And you continued making posts in January 2019, in
8 February 2019, going up to April 5th, 2019, correct?

9 A. Possibly.

10 MS. KELLY: Your Honor, if I may publish to the jury
11 Government Exhibit 70.

12 THE COURT: All right.

13 MS. KELLY: It's been admitted into evidence.

14 THE COURT: Go ahead.

15 BY MS. KELLY:

16 Q. And you made these posts because you were mad at law
17 enforcement, right?

18 A. No.

19 Q. You were angry about the fact that law enforcement had
20 visited you?

21 A. No. "Anyone trying to silence me," it says.

22 Q. So it's not limited --

23 A. People trying to silence me. Anyone. Anyone.

24 Q. All right. And what you said in the post identified as
25 Exhibit 70 is, "Anyone who tries, I'll kill its family while

1 extracting who sent him."

2 A. Self-defense is a blanket statement, a threat that would
3 never happen.

4 Q. And --

5 THE COURT: Mr. Haas, that was not responsive. The
6 jury will disregard that answer.

7 BY MS. KELLY:

8 Q. And it's your view that killing families is self-defense?

9 A. No. That's just to keep them away. Self-defense. It's
10 self-defense.

11 Q. You talk --

12 A. Make them think twice about coming and violating my rights
13 or hurting me.

14 Q. You talked about killing families in your post, didn't
15 you?

16 A. I have.

17 Q. You're not claiming it's self-defense to kill families,
18 are you?

19 A. No. It's self-defense to talk about it, to scare people
20 from coming and harming me for telling the truth, trying to
21 silence me from telling the truth and exposing these
22 disgusting terrorists who terrorize --

23 THE COURT: All right. That completes the answer.

24 Next question.

25 MS. KELLY: Your Honor, if I may publish Government

1 Exhibit 74.

2 THE COURT: All right. You may. And any exhibit
3 that's already been admitted, you can go ahead and publish.

4 MS. KELLY: Thank you.

5 BY MS. KELLY:

6 Q. Mr. Haas, this is a post you made on vk.com on April 7,
7 2019, right?

8 A. Yes, ma'am.

9 Q. This is a month before you ever met Joe Kostuchowski,
10 right?

11 A. Yes, ma'am.

12 Q. And in this post, you said, "I'm okay with okay" -- "I am
13 okay with killing feds. As a matter of fact, I'm going to
14 make this happen. They have met their ending here."

15 A. Yes, ma'am.

16 Q. And you chose the words that you used in all of your
17 online posts, right?

18 A. I didn't say, "I'm coming to kill feds." I said, "I'm
19 okay with it happening and I will make it happen" --

20 THE COURT: All right. Mr. Haas, that's
21 nonresponsive.

22 So you can either repose the question or ask another
23 one.

24 BY MS. KELLY:

25 Q. You chose the words that you used in your online posts,

1 didn't you?

2 A. That's pretty obvious.

3 Q. And you wanted those words to have an impact?

4 A. Well, yeah. Doesn't everybody? Isn't that why you use
5 words, to communicate?

6 Q. And you meant what you said, didn't you?

7 A. I do, absolutely. These people protect terrorists.

8 Q. You talked a minute ago about not saying -- not saying
9 that you were going to kill somebody but that you were going
10 to make it happen, right?

11 A. By exposing these documents, absolutely, these photos of
12 Israelis, Rahm Emanuel, the Rothschilds, the --

13 THE COURT: All right. That completes the answer.

14 THE WITNESS: -- cartel --

15 THE COURT: That completes the answer, Mr. Haas.

16 BY MS. KELLY:

17 Q. But you agree that if you say you're going to do
18 something, you're going to cut someone's throat, that's a
19 threat. You agree with that?

20 A. If I say, "I'm coming to kill you, Ms. Kelly," that's a
21 threat.

22 Q. You agree. Okay.

23 And you told Dave Noordeloos in January of 2018 that
24 if you said you were going to cut someone's throat, that would
25 be a crime?

1 A. Yes, that probably is a crime.

2 Q. After you made the vk.com posts, you met with Joe
3 Kostuchowski, right?

4 A. Yes, ma'am.

5 Q. And Joe Kostuchowski is the FBI task force officer who met
6 you at your job site in Ottawa, Illinois?

7 A. Yes, ma'am.

8 Q. You gave him the location to your work site for the
9 meeting?

10 A. After he demanded and said I do not -- again, I do not
11 have a choice, I must meet him --

12 Q. The answer is yes or no.

13 A. Yes. He made an illegal seizure.

14 Q. You gave him the location to your work site. You told him
15 where to go, right?

16 A. Yes, ma'am.

17 Q. He never physically touched you?

18 A. No.

19 Q. He never pointed a gun at you?

20 A. No.

21 Q. He didn't arrest you?

22 A. Threatened to.

23 Q. He did not arrest you?

24 A. Did not, no. He had no charges, no probable cause, no
25 warrant.

1 Q. The answer is "no," right?

2 A. That's right.

3 Q. You were angry that he wanted to speak to you?

4 A. I was angry that he made an illegal seizure at my job
5 site, told me I don't have a choice, that I have to talk to
6 him about my First Amendment protected speech. He did not
7 have charges.

8 THE COURT: All right. That completes -- that
9 completes the answer. Next question.

10 BY MS. KELLY:

11 Q. You were mad. You were mad at Joe Kostuchowski because he
12 came to talk to you, right?

13 A. Absolutely. I was mad about the illegal seizure.

14 Q. And you knew when Joe Kostuchowski got there that he was
15 with the FBI, right?

16 A. Yes.

17 Q. And you told Joe Kostuchowski during that May 8th, 2019,
18 meeting that you will never change your tone?

19 A. That's right.

20 Q. And you posted two video clips of that interview to
21 vk.com, true?

22 A. We've already established this, yes.

23 Q. Those are the clips that we played to the jury as
24 Government Exhibits 76 and 78, right?

25 A. Whatever you say. I guess so, yes.

1 Q. You saw the two clips and --

2 A. I did, yes.

3 Q. -- know what they are? Okay.

4 And those were the sections of the interview that you
5 chose to post online?

6 A. Yes.

7 Q. A few minutes after Joe Kostuchowski left your job site,
8 you called him on the phone?

9 A. Yes.

10 Q. You called him on his work cellular phone number?

11 A. Yes, ma'am.

12 Q. You challenged Joe Kostuchowski to a fight?

13 A. After he told me, "You're a keyboard warrior, you're all
14 talk, you'll never do anything," I said, "Take off that gun
15 and badge."

16 Q. The comment about being a keyboard warrior made you mad,
17 right?

18 A. Of course.

19 Q. Infuriated you?

20 A. Infuriated, no. It's an ignorant comment so I said, "Take
21 off that gun and badge." I laughed at him because I knew he
22 wouldn't. He's the coward, not me.

23 Q. And your response to that comment instead of brushing it
24 off was to challenge him to a fight?

25 A. Yes.

1 Q. And then you started texting him, right?

2 A. Yes, ma'am.

3 Q. You sent him a lot of texts?

4 A. Yes.

5 Q. You wanted to show Joe Kostuchowski that you were willing
6 and you were able to hurt him?

7 A. No. I was showing him the truth, who the real terrorists
8 were in this planet and that he should really think about who
9 he's harassing when it's a freedom of speech issue. He had no
10 charges and no warrant. And he was harassing me --

11 THE COURT: All right. That completes the answer.

12 Next question.

13 BY MS. KELLY:

14 Q. You wanted to show Joe Kostuchowski that he shouldn't mess
15 with you, right?

16 A. No.

17 Q. You texted him dozens of times to show him that you
18 were --

19 A. To show him what he represents. Read the messages. "This
20 is who you are."

21 THE COURT: Next question.

22 BY MS. KELLY:

23 Q. You told Joe Kostuchowski in a text to take off his gun
24 and badge and meet true evil, didn't you?

25 A. After he said, "You are all talk, you're just a keyboard

1 warrior, you'll never do anything." He instigated it, 100
2 percent.

3 Q. And you texted him that you're not afraid to walk out your
4 door but he should be, right?

5 A. Yes. I walked out my door and had guns pointed at me, and
6 I'm not afraid --

7 THE COURT: Mr. Haas, these are yes or no questions.
8 Please confine your answers to yes or no.

9 THE DEFENDANT: Yes.

10 BY MS. KELLY:

11 Q. And you left Joe Kostuchowski voicemail messages also?

12 A. I did.

13 Q. In one of those voicemail messages, you told Joe
14 Kostuchowski he's guilty of treason and he needs a bullet in
15 his head for it, right?

16 A. I believe that, yes. Did I say I was going to do it?

17 Q. You wanted him to think you were going to do it?

18 A. If I wanted him to think I was going to do it, I'd say,
19 "I'm going to shoot you in your head." I'm not a coward.

20 Q. You sent those messages to frighten Joe Kostuchowski?

21 A. No.

22 Q. There's no other reason for sending them, Mr. Haas, is
23 there?

24 A. To instill the truth into his head, the facts of the
25 matter, what I believe, my beliefs, because I'm allowed to

1 have beliefs. And my First Amendment guarantees me the right
2 to say them.

3 Q. And telling Joe that he needed a bullet in his head was
4 your way of sharing your beliefs?

5 A. Absolutely.

6 Q. And you talked to Joe Kostuchowski in the text messages
7 about his bloodlines, too, didn't you?

8 A. Possibly.

9 Q. You said, "You'd better pray people don't wake up while
10 your bloodline is alive"?

11 A. Yes. Humanity, they're not going to -- just like the feds
12 at the Waco compound. Did they care about the children and --

13 THE COURT: Mr. Haas, that's nonresponsive. Please
14 remember our discussion at the sidebar.

15 MS. KELLY: Your Honor -- oh, it's already published.
16 Okay.

17 BY MS. KELLY:

18 Q. Mr. Haas, I'm showing you Government Exhibit 80. This is
19 the group of text messages that you sent to Joe Kostuchowski
20 on May 9th, 2019, isn't it?

21 A. Yes, ma'am.

22 Q. And I have displayed on the page one message that you sent
23 at 10:18 in the morning, "You're now on my list." Right?

24 A. Yes, ma'am.

25 Q. And I'm now displaying Page 11 where you texted Joe

1 Kostuchowski, "There's a reward dead or alive for some of your
2 kike masters in Moscow. Do you believe you can stop me from
3 collecting that shit?"

4 A. Putin issued a warrant for Rothschild and George Soros --

5 Q. Is the answer yes or no? You sent this text, right?

6 A. Yes, I sent it.

7 Q. Here's another text message, Page 13 of this document,
8 that you sent at 10:37 in the morning saying, "I thought you
9 wanted to chat, you monkey Jew. You coward old man. You know
10 I get what I want, and I think you deserve death."

11 You sent that one, too, right?

12 A. Yes, ma'am.

13 Q. And you sent Joe Kostuchowski text messages all throughout
14 the day and evening, correct?

15 A. No. He's lying about that.

16 Q. We looked at one. Here's one at 10:37 in the morning on
17 Page 13, right? And if we scroll back, here's one on Page 6.
18 This was at 12:50 in the morning, right?

19 A. Those are from different days.

20 Q. They're May 9th. We'll go to the first page. The first
21 page of Government Exhibit 80, the top says May 9, 2019,
22 right?

23 A. Yes.

24 Q. Then if we -- and the first one at the bottom was at 12:15
25 in the morning, true?

1 A. Yes, ma'am.

2 Q. And the next one was at 12:17 in the morning?

3 A. I don't know that that was the same day. It might have
4 been. I don't know.

5 Q. Well, you sent a text message at 12:17 in the morning,
6 right?

7 A. Possibly.

8 Q. You're not disputing this timestamp, are you?

9 A. Are you expecting me to remember the exact times? That's
10 impossible. That's ignorant.

11 Q. The document shows a timestamp of 12:17?

12 A. It does.

13 Q. The next document shows a timestamp of 12:23 in the
14 morning, right?

15 A. Yes, but it doesn't say which day.

16 Q. The next one is a timestamp of 12:31 in the morning?

17 A. Yes.

18 Q. 12:32?

19 A. Yes.

20 Q. 12:50 in the morning?

21 A. Yes.

22 Q. And then we pick back up again at 10:18, right?

23 A. Yes, but I don't know which day that was either.

24 Q. So the answer to my question is, you were texting Joe
25 Kostuchowski --

1 A. I'm not --

2 Q. -- all throughout the day and evening, weren't you?

3 A. -- denying I sent him multiple texts. No, I'm not denying
4 that, but they're lying about the number of texts and the days
5 that it happened.

6 Q. You weren't joking when you sent Joe Kostuchowski the
7 texts and voicemails, were you?

8 A. No.

9 Q. And you were in Ottawa, Illinois, when you communicated
10 with Joe Kostuchowski?

11 A. Yes.

12 Q. And then you were arrested --

13 A. I never made steps to do anything.

14 Q. You were arrested on June 11th, 2019, right?

15 A. Yes, ma'am.

16 Q. And you were driven from Ottawa to Chicago in an Illinois
17 State Police vehicle?

18 A. Yes.

19 Q. And you saw the clips of portions of that vehicle ride
20 during this trial?

21 A. Yes. Just after they pointed guns at me, yes.

22 Q. And you're not denying that you made the statements
23 identified in those clips?

24 A. No, I'm not.

25 Q. And one of the things you said was that you were going to

1 spend every waking moment of your life making sure that Joe
2 Kostuchowski gets killed?

3 A. Did I say I was going to kill him?

4 Q. You said that you were going to spend every waking moment
5 of your life making sure that Joe Kostuchowski gets killed.

6 A. Yes, I did say that. "Gets killed." I didn't say I'm
7 going to --

8 THE COURT: Mr. Haas, that was a --

9 THE WITNESS: Yes, sir.

10 THE COURT: -- yes or no question.

11 THE WITNESS: Yes, sir.

12 BY MS. KELLY:

13 Q. You testified about some photographs that you claim show
14 that Jewish people planted bombs in the World Trade Center?

15 A. Yes, ma'am.

16 Q. You found those photos on the internet, right?

17 A. I found them from the *New York Times*, August 18, 2001,
18 article of the Israelis in the World Trade Center building a
19 balcony with a blueprint of their balcony and those same exact
20 photos, August 18th, 2001, *New York Times*, metro section.

21 Q. The *New York Times* article doesn't say that those photos
22 show Jewish people blowing up the World Trade Center, does it?

23 A. It says they were art students.

24 Q. Correct. Art students from Germany, right?

25 A. They are Israeli art students, just like Rahm Emanuel

1 isn't from America --

2 Q. You are not answering my question.

3 A. He is a dual citizen. They were dual citizens --

4 THE COURT: Mr. Haas.

5 THE WITNESS: -- from Germany --

6 THE COURT: All right.

7 THE WITNESS: -- Israeli --

8 THE COURT: That completes the answer.

9 Next question.

10 BY MS. KELLY:

11 Q. My question is what the article says. The article says
12 that those were art students from Germany, true?

13 A. Yes.

14 Q. And that *New York Times* article was dated from March of
15 2000, wasn't it?

16 A. No. It's August 18th, 2001, three weeks before the World
17 Trade Center collapsed. August 18th, 2001, three weeks before
18 the World Trade Center was demolished.

19 Q. The event in the World Trade Center, the art event that
20 the article was referring to, was in March of 2000, right?

21 A. No. August 18th, 2001. It happened then. Let's -- I
22 would like to --

23 THE COURT: All right. That answer is done. We have
24 reached a Rule 403 point on your -- for your questioning on
25 that. Please move on.

1 BY MS. KELLY:

2 Q. Joe Kostuchowski never responded to any of your texts or
3 voicemail messages, true?

4 A. He did not.

5 Q. He never invited you to call him or text him, did he?

6 A. He never asked me to stop.

7 Q. He never invited you to call him and -- or text him, did
8 he?

9 A. He called my phone first. He gave me his number.

10 Q. Is the answer to my question yes or no?

11 A. He did not ask me to text him, no. I didn't ask him to
12 call me either.

13 Q. In the conversation where he called -- he mentioned that
14 you are a keyboard warrior, that occurred after he left your
15 job site in Ottawa, right?

16 A. No. He said it two times at the job site.

17 Q. And you were mad that he called you that?

18 A. Absolutely.

19 Q. And then you called him on the phone?

20 A. Yes, ma'am.

21 Q. And you argued, tried to argue with him, right?

22 A. Yes, ma'am.

23 Q. And he never called you after that?

24 A. No.

25 Q. And he never returned to your job site?

1 A. No. I left the job for the day. I don't know that.

2 MS. KELLY: No further questions.

3 THE COURT: All right. We've come to the point for a
4 midmorning break, so let's do that before we resume. So let's
5 take 15 minutes. All rise.

6 (Proceedings heard in open court. Jury out.)

7 THE COURT: Please be seated. You can stay there for
8 the moment, Mr. Haas.

9 So you can use this time if you want to try to
10 formulate some redirect questions. Do you think you're going
11 to want to do that?

12 THE DEFENDANT: I'm finished, your Honor.

13 THE COURT: Okay. I was going to explain then,
14 whatever you say, the government has a chance to recross. But
15 you are complete? Your testimony is complete?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. Is your case complete then?

18 THE DEFENDANT: Pretty much, yeah.

19 THE COURT: Is there any other witness you have --

20 THE DEFENDANT: No.

21 THE COURT: -- to offer?

22 All right. So then do you want to, just for the
23 record, make another Rule 29 motion?

24 THE DEFENDANT: No, your Honor.

25 THE COURT: All right. So you have Noordeloos and

1 Najdanovich?

2 MR. JONAS: Yes, your Honor.

3 THE COURT: How long do you think it will take?

4 MR. JONAS: So I think Dave Noordeloos, I'm
5 speculating about an hour or so. And then if we call Officer
6 Najdanovich, I think he's only going to be less than ten
7 minutes.

8 THE COURT: All right. Okay. Then when we resume, I
9 am going to instruct the jury, Mr. Haas, that in light of how
10 you expressed certain objections yesterday, I have instructed
11 you to ask for a sidebar to make objections during
12 Mr. Noordeloos' direct examination and Mr. Najdanovich's
13 direct examination.

14 So if you have an objection to make during the direct
15 examination, just ask for a sidebar, and we'll have a sidebar
16 and you can express your objection to me outside of the
17 hearing of the jury. Do you understand?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. You can resume your seat there and
20 if you want to use the restroom, too. Let's take 15 minutes
21 from this point.

22 (Recess from 10:36 a.m. to 10:49 a.m.)

23 (Proceedings heard in open court. Jury out.)

24 THE COURT: Let's go back on the record.

25 I did receive a note from the court security officer.

1 And the note is written by, it looks like, Ms. Riehl who is
2 the juror sitting in the first seat there. It says as
3 follows: "Juror appears to be sleeping, slash, nodding off
4 during testimony, Ms. Claudie," I think her last name is
5 Phillips. And then it says, "Juror No. 2."

6 So here's what I propose. I don't know if anyone
7 noticed it. Did you see that from the government?

8 MS. KELLY: I did not.

9 THE COURT: All right. Mr. Haas, did you notice
10 that?

11 THE DEFENDANT: I did, but I'm not terribly offended.

12 THE COURT: Okay. Ms. Phillips, the one sitting --

13 THE DEFENDANT: In the front right there.

14 THE COURT: -- in the front. Okay.

15 THE DEFENDANT: I think she was in the front or maybe
16 possibly the second one back. I don't know if she was
17 nodding. I think she was just listening with her eyes closed
18 maybe picturing the situation.

19 THE COURT: All right. So you don't have any
20 concerns?

21 THE DEFENDANT: No.

22 THE COURT: Does the government have any concerns?

23 MR. JONAS: No, your Honor.

24 MS. KELLY: No.

25 THE COURT: So here's what I propose to do is, I'll

1 just ask the courtroom deputy when he goes to let the CSOs
2 know that the jury -- that we're ready for the jury is to just
3 tell the jury that if they feel like they want to get up to
4 just stretch, not walk around but just get up and stand for a
5 little bit during testimony, they can. And also if they want
6 to bring in coffee or, you know, water, maybe that will help
7 them, if they also want to bring in -- like have a candy or
8 something like that.

9 So I won't make it explicit because if it's -- if it
10 didn't actually happen, like someone is actually sleeping, I
11 don't want to necessarily insult them, but at the same time if
12 they need a little bit of help staying awake if that is, in
13 fact, what's happening, we'll let them know they can do that.

14 So is that all right with the government?

15 MS. KELLY: Yes.

16 MR. JONAS: Yes, your Honor.

17 THE DEFENDANT: Your Honor, I did look at her, and I
18 was just a little curious myself. And I don't specifically
19 think she was sleeping. I think she might have just been
20 listening with her eyes closed.

21 THE COURT: But do you have any objection for me just
22 telling them if they want to -- I'm not going to tell them the
23 purpose. The way we can explain it is that we've asked them
24 to sit for long periods of time, so if you want to just stand
25 up and stretch, you can do that, and you can bring in coffee,

1 drink, or candy.

2 Okay. That's what we'll do. So yes, Mike, if you
3 can just let the CSO know, let them bring them in but tell
4 that to the jury before they come in. All right. Thanks.

5 Now if you want to bring Mr. Noordeloos up first.

6 MR. JONAS: Yes, Judge.

7 (Pause.)

8 THE COURT: Mr. Haas, when we commence, I'm going to
9 ask you to rest your case in front of the jury so it's known
10 to them. I'm going to say, "Do you rest your case" when the
11 jury comes back in, so that way you can do it in front of
12 them. All right?

13 THE DEFENDANT: Okay.

14 MR. JONAS: Your Honor, could I make a request? Your
15 water pitcher is in my line of sight of the witness.

16 THE COURT: Yes. You can move it to that back
17 corner.

18 MR. JONAS: Thank you, Judge.

19 MS. KELLY: Your Honor, we just noticed that the
20 monitors are displaying our exhibit.

21 (Proceedings heard in open court. Jury in.)

22 THE COURT: All right. Please be seated. All right.
23 Ladies and gentlemen, thanks for your patience again.

24 And I want to make sure, Mr. Haas, do you rest your
25 case?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: All right. And the government may begin
3 its rebuttal case.

4 So ladies and gentlemen, this is that next step that
5 I had mentioned earlier in the trial that if the defendant
6 puts on a defense case, then the government has an opportunity
7 to put on what's known as a rebuttal case.

8 Now, I do want to tell you that in light of the way
9 that the defendant expressed certain objections during the
10 earlier part of the trial, I have instructed the defendant to
11 ask for a sidebar before he makes objections during the
12 presentation of these rebuttal witnesses. This is just a
13 procedural matter that I have set up. It's just a procedural
14 mechanism that I have set up. This has nothing to do with
15 your decision about the case. All right. It's completely
16 irrelevant, just a procedural thing that I have created.

17 Okay. With that, the government may announce its
18 witness.

19 MR. JONAS: Yes, your Honor. The government calls
20 David Noordeloos.

21 THE COURT: Okay. And so, Mr. Noordeloos, you can
22 now remove your mask. All right. And please raise your right
23 hand.

24 (Witness sworn.)

25 THE WITNESS: Yes, your Honor, I do.

1 THE COURT: All right. Okay. Mr. Jonas?

2 MR. JONAS: Thank you, Judge.

3 DAVID NOORDELOOS, GOVERNMENT'S REBUTTAL WITNESS, SWORN

4 DIRECT EXAMINATION

5 BY MR. JONAS:

6 Q. Sir, would you please state and spell your name?

7 A. Certainly. My name is David Noordeloos. My first name is
8 D-a-v-i-d. My last name is Noordeloos, N-o-o-r-d-e-l-o-o-s.

9 Q. What do you do for a living?

10 A. Sir, I'm a special agent with the United States Department
11 of State's Diplomatic Security Service.

12 Q. What is the Diplomatic Security Service?

13 A. The Diplomatic Security Service is the law enforcement and
14 security arm for the U.S. Department of State. We investigate
15 visa and passport fraud. We protect the Secretary of State
16 and other senior State Department officials and visiting heads
17 of state beneath the head of state level here in the United
18 States.

19 Q. How long have you been with the Department of State?

20 A. 18 years, since 2002.

21 Q. Where were you prior to that?

22 A. Prior to that, I was a municipal police officer in
23 Michigan for six years.

24 Q. What is your current position with the Diplomatic Security
25 Service? And just for ease, can I call it DSS?

1 A. Certainly, sir.

2 Q. So what is your current position with DSS?

3 A. At DSS I am currently assigned to our office of criminal
4 investigations liaison.

5 Q. What does that mean?

6 A. My current unit, we handle requests from local, state,
7 tribal, and other federal law enforcement agencies who are
8 requesting investigative assistance overseas where we have
9 embassies and consulates.

10 Q. Where are you located?

11 A. My office is physically located in Arlington, Virginia,
12 right outside of D.C.

13 Q. How long have you been in that position?

14 A. Since April of this year.

15 Q. What position with DSS did you have prior to April of this
16 year?

17 A. Prior to April of this year, I was assigned to our office
18 of protective intelligence investigations for eight years.

19 Q. What does that mean?

20 A. In PII, protective intelligence investigations, we
21 investigated threats directed against Department of State
22 senior officials, employees, and facilities worldwide.

23 Q. And you said you had that -- you were in that position for
24 eight years?

25 A. Yes, sir, I was.

1 Q. Were you also in Virginia at the time?

2 A. Yes, sir.

3 Q. Were you assigned in your role at PII to ever investigate
4 the defendant, Robert Haas?

5 A. Yes, sir, I was.

6 Q. About when were you assigned to do so?

7 A. In January of 2018.

8 Q. Why were you assigned to investigate him?

9 A. Based on interstate threatening communications that he had
10 directed at U.S. Ambassador Nikki Haley who was the U.S.
11 ambassador to the United Nations in New York.

12 Q. And what were the threatening communications, if you
13 recall them?

14 A. They were threatening communications to harm Ambassador
15 Haley.

16 Q. Where were -- how were these sent to her?

17 A. They were sent to her via social media platform Instagram.

18 Q. And is that something that DSS agents take seriously?

19 A. Very much so, sir.

20 Q. Through your investigation, was DSS or yourself for that
21 matter able to identify who sent the threats?

22 A. DSS was able to identify the sender of those threats, yes,
23 sir.

24 Q. And who was that?

25 A. Mr. Robert Haas.

1 Q. And as part of the investigation, did you attempt to
2 interview him?

3 A. Yes, sir, we did.

4 Q. Why?

5 A. Whenever you're conducting a threat investigation, sir,
6 it's always in the best interests for the threat investigators
7 to make contact personally with the person who made the
8 original threats.

9 Q. What's the goal of making contact with him? What are you
10 trying to accomplish?

11 A. To understand a baseline of the person's behavior and
12 ideally to understand better the potential risk of violence on
13 the part of the sender.

14 Q. Are you also trying to mitigate the threat?

15 A. Very much so.

16 Q. Did you end up interviewing the defendant?

17 A. I did.

18 Q. More than once?

19 A. Yes, sir.

20 Q. When was the first interview?

21 A. The first interview, if I recall correctly, was January
22 25, 2018.

23 Q. Where was it?

24 A. That was at his residence in Ottawa, Illinois.

25 MR. JONAS: Your Honor, at this time I would ask if

1 we can get a stipulation identification of the defendant
2 meeting with Agent Noordeloos.

3 THE COURT: All right. Yes, Mr. Haas, do you
4 stipulate, that is, agree that you did meet Mr. Noordeloos on
5 that occasion?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. The identification is made
8 for the record.

9 MR. JONAS: Thank you, Judge.

10 BY MR. JONAS:

11 Q. Agent Noordeloos, prior to the January 25, 2018, interview
12 of defendant, did you have any other contact with him?

13 A. No, sir, I did not.

14 Q. So you never met him before?

15 A. I did not.

16 Q. Did you ever speak to him before?

17 A. I did not.

18 Q. Are you aware if anyone else from your office from the DSS
19 ever tried to contact the defendant prior to your January 25th
20 interview?

21 A. Yes, sir, I am.

22 Q. And what's your understanding what happened?

23 A. It's my understanding, sir, that agents from DSS, our
24 Chicago field office, attempted to make contact with Mr. Haas.
25 In those efforts, they spoke to family members of Mr. Haas.

1 Mr. Haas then called the DSS Chicago investigators and spoke
2 to them.

3 Q. And did his communication, as far as you know, with the
4 DSS investigators from Chicago satisfy the State Department
5 regarding the threats against Nikki Haley?

6 A. No, sir, it did not.

7 Q. Why not?

8 A. The communication Mr. Haas had with the DSS Chicago
9 investigators primarily involved Mr. Haas yelling at the
10 investigators and using profanity directed at them.

11 Q. So turning to your January 25th, 2018, interview, how many
12 people went with you to the interview site?

13 A. To the interview site at the initial contact with
14 Mr. Haas, we had four DSS agents in the area and at least two
15 Ottawa, Illinois, police department personnel.

16 Q. Why so many?

17 A. Any time we're working on a threat investigation, sir, we
18 definitely want to make sure that we have enough personnel to
19 safely make contact with the person and to protect the public
20 in the area during that initial contact.

21 Q. And you're saying whenever it's a threat investigation.
22 So does the nature of the investigation also factor into
23 having additional law enforcement officers there?

24 A. Very much so, sir. That and the fact that there was a
25 threat of violence that was communicated.

1 Q. When you met with the defendant, were you wearing a
2 recording device?

3 A. I was, an audio recording device.

4 Q. Why?

5 A. To better document the contact with Mr. Haas, to clarify
6 what was said by all parties, and in the event that the
7 recording could be of use to other DSS personnel in the PII
8 office down the road to include other investigators,
9 operational psychologists, personnel of that type.

10 Q. Have you listened to the recording of the January 25th,
11 2018, meeting?

12 A. Yes, sir, I have.

13 Q. Does the recording fairly and accurately represent what
14 was said during your interview of the defendant on that day?

15 A. Yes, sir, it does.

16 Q. Approximately how long was your interview for?

17 A. To the best of my recollection, an hour and a half.

18 Q. In preparation for your testimony, have you reviewed clips
19 or segments of that interview?

20 A. Yes, sir, I have.

21 Q. And I specifically mean the audio recording.

22 A. Yes, sir. I have reviewed the audio recording.

23 Q. And do we anticipate that we're going to play the entire
24 hour and a half interview for the jury?

25 A. No, sir.

1 Q. Have you reviewed Government's Exhibits 112 through 125
2 and Government's Exhibits 1 and 2?

3 A. Can you restate that?

4 Q. Sure. As part of the review of the clips, does that
5 include Government's Exhibits 112 through 125 and Government's
6 Exhibits 1 and 2?

7 A. The audio clips, yes.

8 MR. JONAS: Yes. Your Honor, at this time I would
9 offer into evidence Government's Exhibits 112 through 125 and
10 Government's Exhibit 1 and 2 of audio clips of the January
11 25th, 2018, interview of the defendant by Agent Noordeloos.

12 THE COURT: All right. Any objection, Mr. Haas?

13 THE DEFENDANT: I do object to them just playing
14 clips. I would like to hear the full context so it's not
15 taken out of context for the jurors, which it obviously is
16 about to be.

17 MR. JONAS: Objection to the last comment, Judge.

18 THE COURT: The objection is overruled. And the jury
19 will disregard everything after Mr. Haas saying that he did
20 object. And I will just note for the record that the
21 recording was turned over in discovery long ago.

22 All right. 112 through 125 and 1 and 2 are allowed.

23 MR. JONAS: Thank you, Judge.

24 (Government Exhibits 112 through 125 and 1 and 2 received
25 in evidence.)

1 BY MR. JONAS:

2 Q. Agent Noordeloos, were transcripts of these clips made as
3 well?

4 A. Yes, sir, they were.

5 Q. And have you reviewed the transcripts?

6 A. Yes, sir, I have.

7 Q. Do the transcripts accurately reflect what's in the
8 recording?

9 A. They do.

10 Q. Would the transcripts --

11 THE DEFENDANT: Your Honor, I object. Sidebar.

12 THE COURT: All right. You may request a sidebar,
13 and I will give you one.

14 (Proceedings heard at sidebar:)

15 THE COURT: All right. Mr. Haas, go ahead and state
16 your objection.

17 THE DEFENDANT: Your Honor, have you read these
18 transcripts of the recording?

19 THE COURT: I have.

20 THE DEFENDANT: And they are intelligent and make
21 sense to you, or are they completely --

22 THE COURT: Mr. Haas, instead of having a back and
23 forth on that, can you just go ahead and state your objection?

24 THE DEFENDANT: This is obviously not what was said
25 at that interview. I make sense when I speak. This does not

1 make sense. This is -- this is written by somebody who's
2 illiterate.

3 THE COURT: Mr. Haas, you will have the opportunity
4 to cross-examine the agent who looks like is about to testify
5 on the clips and what was said. And I will ask the government
6 during the cross-examination to do what they've done for other
7 parts of this trial, which is if you ask them, for example, to
8 put up a particular video clip and you tell them exactly where
9 to go, and the same thing with the transcript, then I'll ask
10 them to display that. So you can cross-examine the witness on
11 it, but otherwise the exhibits are allowed.

12 I do think, Mr. Jonas, you need to finish foundation
13 for the transcripts to ensure that all of those foundational
14 elements have been met. So the objection is overruled
15 conditioned on the foundation being laid.

16 THE DEFENDANT: Your Honor, two things. One, do all
17 these sidebar go on to the docket?

18 THE COURT: Yes, all sidebar are still on the
19 record.

20 THE DEFENDANT: This is recorded?

21 THE COURT: Well, the court reporter is transcribing
22 and taking notes on them and then she will -- if and when you
23 order the transcripts, all the sidebar are part of the
24 transcript.

25 THE DEFENDANT: Okay. Also, I'd like to make a note

1 then that I did not get these transcripts until yesterday on
2 the DVD. And I had no access to a computer to plan for this
3 whatsoever. This is a total violation of my due process.

4 THE COURT: All right. So this is a rebuttal case.
5 And so it does happen that when a rebuttal case is put on,
6 evidence, because it has to be responsive to the defense, is
7 not put through the same kind of pretrial vetting. We do our
8 best, but it's not uncommon for this to happen --

9 THE DEFENDANT: My due process --

10 THE COURT: -- and -- just one second. So you're
11 saying you did not have access to a discovery computer
12 yesterday?

13 THE DEFENDANT: I did not. When I got back to the
14 MCC, we were on lockdown. I got put in my cell, and I had to
15 stay in there all night. I was allowed to make one cup of
16 coffee with hot water and had to go back to my cell.

17 THE COURT: I can inquire with the MCC on that, but
18 if they had to take that lockdown measure then that is
19 unfortunately the type of thing that does happen and --

20 THE DEFENDANT: Again, this is a violation of my due
21 process.

22 THE COURT: Mr. Haas, I was not done. It's quite
23 plain that I was not done, so please do not interrupt me.

24 So I will inquire into that. Let me ask, were you
25 able to make a phone call to Ms. Singer?

1 THE DEFENDANT: No, nothing.

2 THE COURT: All right. Well, and that, I had not
3 been able to arrange. So we have taken as extraordinary steps
4 as we can to continue to give you access. A defendant's right
5 to representation by a lawyer is generally the way that we
6 deliver access to the courts. You did choose to represent
7 yourself. I did warn you how difficult it would be.

8 Now, secondly, I do want to -- I confirmed this
9 before. I'll just confirm it again with Mr. Jonas that the
10 recording, the video clips, have been turned over. The entire
11 audio recording of the interviews with the Department of State
12 in January 2018, those were turned over in discovery, correct?

13 MR. JONAS: Yes, your Honor.

14 THE DEFENDANT: No, they weren't. Only the video
15 from the police station was. The one from my house was not.
16 This is new. They just gave me this yesterday.

17 THE COURT: Mr. Jonas, you can explain.

18 MR. JONAS: Yes, your Honor. We can pull out the
19 discovery index if your Honor wants to see it.

20 THE COURT: Well, it's on the docket, correct?

21 MR. JONAS: Yes. Also, Judge, if you recall during
22 the pretrial conference, I raised the fact that that meeting
23 of January 25th was recorded. The defendant said it wasn't
24 and never followed up. The other point, Judge -- so he has
25 it. We've produced it.

1 The other point is the transcripts, a hard copy was
2 given to him at the end of the day yesterday. It was the same
3 hard copy that was emailed to the Court and Ms. Singer. Yes,
4 there's been some slight tweaks since that copy, but it's
5 primarily the same. So he had the opportunity to at least
6 read the hard copy overnight.

7 THE DEFENDANT: Your Honor, have you read this hard
8 copy? It's ridiculous.

9 THE COURT: Mr. Haas --

10 THE DEFENDANT: It makes no sense.

11 THE COURT: Mr. Haas, what I did read was the final
12 transcripts that were emailed later. And you have now had a
13 hard copy of that since the morning. So again, you can
14 cross-examine on it. And given that it's a rebuttal case,
15 that is the opportunity that you will have.

16 All right. Objection is overruled, again,
17 conditioned on the foundation for the transcripts that still
18 need to be laid.

19 MR. JONAS: Yes, Judge.

20 (Proceedings heard in open court:)

21 THE COURT: All right. The objection is overruled.
22 You can go ahead as we discussed at sidebar.

23 MR. JONAS: Thank you, Judge. May I proceed?

24 THE COURT: Yes. Go ahead.

25 MR. JONAS: Thank you.

1 BY MR. JONAS:

2 Q. Agent Noordeloos, I was asking you about transcripts.

3 Have you personally reviewed the transcripts?

4 A. Yes, sir, I have.

5 Q. And have you made edits to the transcripts where you saw
6 that maybe it was a word that wasn't correct?

7 A. I have.

8 Q. And you've done this multiple times?

9 A. I have.

10 Q. And do you believe that the transcripts would aid the jury
11 in understanding your testimony as well as the recordings that
12 will get played?

13 A. Yes, sir, I do.

14 MR. JONAS: Your Honor, at this time I would offer
15 into evidence the transcripts which are marked as Government's
16 Exhibits 237 through 250.

17 THE COURT: All right. Any objections other than the
18 prior objections that we just discussed?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: All right. They're allowed.

21 (Government Exhibits 237 through 250 received in evidence.)

22 MR. JONAS: Thank you, Judge.

23 BY MR. JONAS:

24 Q. And Agent Noordeloos, I have a few questions before we
25 start playing any of these clips. Did you arrange the

1 interview with the defendant prior to January 25th?

2 A. No, sir, I did not.

3 Q. Why not?

4 A. Oftentimes in threat investigations, it's beneficial to
5 the threat investigator to have unplanned contact with the
6 subject who made the threats.

7 Q. Can I ask you to move a little closer to the microphone,
8 please?

9 A. Certainly. I apologize. Is this better, sir?

10 Q. I think so.

11 THE COURT: And also, I just want to remind the jury
12 that I will be giving you instructions on what the legal
13 definition of a threat is. All right. So this is the witness
14 testifying from his perspective only.

15 All right. Go ahead.

16 MR. JONAS: Thank you, Judge.

17 BY MR. JONAS:

18 Q. So I'm sorry, Agent Noordeloos. You explained that you
19 didn't make contact or try to arrange an interview in advance
20 because you thought it was, as a threat investigator, it was
21 better not to?

22 A. Yes, sir. That's what I said.

23 Q. And why is it better not to try to arrange it in advance?

24 A. It's better for the threat investigator to have unplanned
25 contact because it helps us better understand the baseline

1 demeanor, behavior, activities of the person who made the
2 threatening communications.

3 Q. So take us to January 25th, 2018. How did you first
4 encounter the defendant?

5 A. I was in a vehicle, an Ottawa PD unmarked vehicle down the
6 street with an Ottawa PD detective. We had other personnel on
7 an outside perimeter of the block. We were in radio contact
8 with the other personnel. We observed a subject who we
9 identified as Mr. Haas come out of the door of his apartment,
10 and then we initiated contact with him.

11 Q. What were you wearing?

12 A. Sir, I was wearing a -- like a windbreaker, blue in color.
13 It said "Police" on both sleeves, had a -- our badge insignia
14 on the front, and on the back it also said "Police."
15 Underneath that I was wearing an external body armor carrier
16 that was black in color, and it had a patch right here that
17 said "Police."

18 Q. So I'm sorry. You said a moment ago you saw the defendant
19 come out of his apartment?

20 A. Via his apartment door, yes, sir.

21 Q. So what happened?

22 A. At that time, we exited our vehicle. Immediately when I
23 made eye contact with Mr. Haas, he stopped, began to turn, and
24 he made a furtive movement towards his right front pocket with
25 his right hand.

1 MR. JONAS: Your Honor, I know this may be a little
2 unusual given everything, but is it possible for the witness
3 to stand up and demonstrate to the jury what he just
4 described?

5 THE COURT: You can stand up but just stand right
6 where your chair is. All right.

7 THE WITNESS: Would you like me to put a mask on,
8 your Honor?

9 THE COURT: That would be wise.

10 THE WITNESS: Right here, sir?

11 THE COURT: Yes.

12 BY MR. JONAS:

13 Q. What is it that -- can you just demonstrate the move that
14 you saw the defendant do as you exited your vehicle?

15 A. Definitely. When we made eye contact, when I made eye
16 contact with Mr. Haas, he stopped, immediately did this, and
17 began to turn his body.

18 Q. Okay. Can you sit down?

19 A. Yes, sir.

20 THE COURT: And then you can remove your mask after
21 you're seated.

22 THE WITNESS: Thank you, your Honor.

23 MR. JONAS: And Judge, just for the record, when the
24 witness said "did this," he put his hand over his left pocket,
25 put his other hand over his hand that was on his left pocket

1 and made a slight turn.

2 THE COURT: I'm not sure. I think right and left
3 might be mixed. Why don't you ask the witness the question.

4 BY MR. JONAS:

5 Q. So Agent Noordeloos, can you just describe so that the
6 record is clear what hand went on what pocket?

7 A. Absolutely, sir. It was the right hand, his right hand to
8 his right pocket.

9 Q. Okay. And then he put his other hand over his hand that
10 was on the pocket?

11 A. Correct.

12 Q. Thank you. So did that concern you?

13 A. Very much so.

14 Q. Why?

15 A. In my training and experience both as a federal agent and
16 as a local police officer, that furtive movement made me in
17 fear, and I was concerned that Mr. Haas had a weapon.

18 Q. So what did you do?

19 A. I immediately drew my firearm and pointed it at him and
20 ordered him to get to the ground while identifying myself as
21 police.

22 Q. Did you threaten to kill him?

23 A. At no time.

24 Q. Was this all recorded?

25 A. It was.

1 MR. JONAS: Your Honor, at this time if we can play
2 Government's Exhibit 112 and publish to the jury along with
3 the corresponding transcript which is 237.

4 THE COURT: All right.

5 MR. JONAS: Thank you, Judge. And I'm going to do
6 the split screen.

7 (Government Exhibit 112 played in open court.)

8 BY MR. JONAS:

9 Q. Agent Noordeloos, is that you talking?

10 A. It is, sir.

11 (Government Exhibit 112 played in open court.)

12 THE DEFENDANT: Your Honor, sidebar.

13 THE COURT: All right. You may have a sidebar.

14 THE DEFENDANT: That video just skipped about five
15 minutes.

16 Your Honor, originally that video --

17 THE COURT: One second.

18 (Proceedings heard at sidebar:)

19 THE COURT: All right. Go ahead.

20 THE DEFENDANT: That conversation started on the
21 street in front of my apartment building. We were out there
22 for a good minute or two before we walked upstairs. Then it
23 skipped to about five minutes into our conversation inside of
24 my apartment. That is not an accurate reproduction of that
25 conversation.

1 THE COURT: All right. Any response from the
2 government?

3 MR. JONAS: Yes, Judge. I believe from the recording
4 they're still out on the street, but as we play the recording
5 there's a conversation about them going into the apartment.

6 THE DEFENDANT: You can hear the difference in the
7 sound.

8 THE COURT: Mr. Haas, again, you can cross-examine
9 the agent on this point, but the exhibit has been allowed into
10 evidence. Overruled.

11 (Proceedings heard in open court:)

12 BY MR. JONAS:

13 Q. Agent Noordeloos, before we continue playing, the
14 defendant said, "I thought you were Mossad. I was ready to
15 attack you." Do you know what Mossad is?

16 A. Yes, sir, I do.

17 Q. What is it?

18 A. The Mossad is the nation of Israel's intelligence service.
19 They're equivalent of our Central Intelligence Agency.

20 MR. JONAS: I'll go back to the recording.

21 (Government Exhibit 112 played in open court.)

22 BY MR. JONAS:

23 Q. Agent Noordeloos, had you identified yourself as a State
24 Department agent?

25 A. I had not.

1 Q. Why not?

2 A. At that time I had law enforcement raid jacket on, and
3 based on his immediate reaction to the State Department, I
4 felt it would unduly escalate the situation, so I did not
5 identify myself as State Department at that time.

6 Q. Did you later on in the conversation?

7 A. Yes, sir. Indeed, I did.

8 MR. JONAS: Okay. Going back to the audio.

9 (Government Exhibit 112 played in open court.)

10 THE DEFENDANT: Your Honor, I'd like to elicit
11 information for the jury. This is --

12 THE COURT: Mr. Haas -- Mr. Haas --

13 THE DEFENDANT: This is in my living room right now.

14 THE COURT: Let's have a sidebar.

15 (Proceedings heard at sidebar:)

16 THE COURT: All right. Mr. Haas, you were instructed
17 to ask for a sidebar if you were going to pose any objection.
18 Now you've taken the further step of just injecting
19 essentially testimony when you still will have an opportunity
20 to have cross-examination.

21 I do not want to have to warn you again but I will
22 still strike -- I need to have some sanction available so that
23 you comply with my directions. I'm left with precious few at
24 this time. One of them is to strike your direct examination
25 from your defense. That is still available to me. I don't

1 want to take that step, but if you keep on this course, that's
2 what's going to happen. What would you like to say?

3 THE DEFENDANT: Your Honor, this is now ten minutes
4 into talking --

5 THE COURT: Mr. Haas, that -- again, that is a
6 subject for cross-examination. The objection is overruled.

7 (Proceedings heard in open court:)

8 THE COURT: All right. You may proceed.

9 MR. JONAS: Thank you, Judge.

10 Let me go back to the audio.

11 (Government Exhibit 112 played in open court.)

12 BY MR. JONAS:

13 Q. Agent Noordeloos, let me ask you this: Did you ask to see
14 his phone prior to him offering it?

15 A. No, sir.

16 (Government Exhibit 112 played in open court.)

17 BY MR. JONAS:

18 Q. Where were you at this point when you were asking if you
19 could go upstairs?

20 A. Sir, we were on the sidewalk outside of the entrance door
21 to Mr. Haas' apartment.

22 (Government Exhibit 112 played in open court.)

23 BY MR. JONAS:

24 Q. Agent Noordeloos, did you tell the defendant he has no
25 choice but to let you into his apartment?

1 A. At no time did I tell him that, sir.

2 Q. Did you tell the defendant that you were going to arrest
3 him if he didn't agree to talk to you?

4 A. No, sir.

5 Q. What would you have done if he did not agree to talk to
6 you?

7 A. If he had said he did not want to speak to us, I would
8 have asked him to listen to what I'm saying. I'm not going to
9 ask him anything. I would have clearly told him why we were
10 there based on his threats against Ambassador Haley and that
11 the investigation was not going to go away and that it would
12 help if we could talk to him.

13 Q. Did he ever tell you he does not want you up in his
14 apartment?

15 A. He never said that, sir.

16 Q. You were with the police officer who was talking on this
17 recording; is that correct?

18 A. Yes, sir, I was.

19 Q. And did you hear the police officer say, "We can talk down
20 at the police station"?

21 A. Yes, sir.

22 Q. Was that a demand by the police officer?

23 A. No, sir, it was not.

24 Q. Did you want to talk in the apartment?

25 A. Yes, sir, I did.

1 Q. Why?

2 A. As a threat investigator, it's often very helpful on these
3 types of investigations to better understand the person who
4 made the threatening communications to see where they spend
5 most of their time, to see their residence, to make sure there
6 wasn't any objects in the residence that could concern us.

7 MR. JONAS: Your Honor, at this time I'd like to play
8 Government's Exhibit 113.

9 THE COURT: All right. Go ahead.

10 (Government Exhibit 113 played in open court.)

11 BY MR. JONAS:

12 Q. Agent Noordeloos, you said -- he offered to show you his
13 phone and you said, "If you're getting threats." Why did you
14 want to look at his phone if he was getting threats?

15 A. If he was getting threats that fell under federal
16 violations of interstate threatening communications, I was
17 more than happy to see them and have those threats documented.

18 Q. Did you go up to the apartment?

19 A. I'm sorry, sir?

20 Q. Did you go up to the apartment?

21 A. Yes, sir.

22 Q. With the defendant?

23 A. With the defendant.

24 Q. Who else went up to the apartment?

25 A. Officer -- or Detective Sergeant Cheatham from Ottawa

1 Police Department, Special Agent Williams from DSS Chicago,
2 and Assistant Special Agent in Charge Robert Rochowiak from
3 DSS Chicago.

4 MR. JONAS: Judge, I'm going to play Government's
5 Exhibit 114.

6 THE COURT: All right.

7 (Government Exhibit 114 played in open court.)

8 BY MR. JONAS:

9 Q. Before we go on, Agent Noordeloos, where are you at this
10 time?

11 A. At this time we're in Mr. Haas' apartment, sir.

12 (Government Exhibit 114 played in open court.)

13 MR. JONAS: It jumped. Actually, let me go back real
14 quick. All right.

15 BY MR. JONAS:

16 Q. Before I go on, Agent Noordeloos, you said you read -- and
17 I'm sorry. Let me just see if I can get that on the screen.
18 I went too far.

19 On the transcript, just to orientate you, on Line 5,
20 you read -- you said, "Is this a threat, you fat slob. I'll
21 kill everything you love." I won't read the rest. Were you
22 saying to the defendant, "Is this a threat," or were you just
23 reading something that he gave you?

24 A. I was reading something off his phone, sir.

25 Q. And were you reading something he said or someone sent to

1 him?

2 A. Something that he said to somebody via message that I was
3 reading off his phone. Does that make sense, sir?

4 Q. Yes.

5 (Government Exhibit 114 played in open court.)

6 BY MR. JONAS:

7 Q. Agent Noordeloos, I just want to go back to the question I
8 asked earlier. You read something off his phone that says,
9 "Is this a threat," and then the defendant proceeded to say
10 something to that woman.

11 A. Yes, sir, he did.

12 Q. Did he ever tell you if he was joking when he was sending
13 these statements to these other people?

14 A. He made no statement that he was joking, sir.

15 MR. JONAS: Judge, can I -- of course, the audio was
16 louder when we play it in our offices. Can I just try to
17 switch to the speaker here?

18 THE COURT: All right. You can do that.

19 MR. JONAS: Thank you, Judge.

20 (Pause.)

21 MR. JONAS: All right. Judge, we'll give that a try.
22 I'd like to play Government's Exhibit 115, Judge.

23 THE COURT: Go ahead.

24 (Government Exhibit 115 played in open court.)

25 BY MR. JONAS:

1 Q. Agent Noordeloos, why did you ask him if you could grab
2 some chairs?

3 A. Sir, it was his apartment. I was hoping that we could
4 sit, have a -- as I anticipated that the conversation might be
5 a little more lengthy, we could sit down, maybe deescalate the
6 situation a little bit and have a productive conversation.

7 Q. Did he tell you no, you couldn't sit?

8 A. At no time did he say that, sir.

9 Q. Did he try to kick you out of the apartment?

10 A. At no time, sir.

11 MR. JONAS: Judge, if I can play Government's Exhibit
12 116.

13 THE COURT: You may. And go ahead and also announce
14 the government exhibit number for the transcript as well.

15 MR. JONAS: I'm sorry, Judge. I should have done
16 that. The last transcript was 240. The next transcript is
17 241, Government's Exhibit 241.

18 (Government Exhibit 116 played in open court.)

19 BY MR. JONAS:

20 Q. The defendant said he's not going to do anything himself,
21 he's not going to give you a charge. Do you see that?

22 A. Can you say what line that is, sir?

23 Q. Sure. Line 12.

24 A. Yes, sir.

25 Q. He says, "I'm not going to give you a charge. I'm going

1 to let other people do it."

2 A. Correct.

3 Q. What was your understanding of what he meant by that?

4 A. It was my understanding that his intent was to have other
5 people harm others.

6 Q. So you were there to investigate threats against Nikki
7 Haley. Did that statement that he wasn't going to do it
8 himself alleviate any concerns you may have had?

9 A. In no way, sir.

10 Q. Why not?

11 A. Because he's saying in that statement based on the
12 previous statements he had directed at Ambassador Nikki Haley
13 that it was still his intent to incite others to take the
14 overt act of harming others.

15 MR. JONAS: Judge, if I can play Government's Exhibit
16 117.

17 THE COURT: You may.

18 MR. JONAS: With the transcript, Government's Exhibit
19 242.

20 (Government Exhibit 117 played in open court.)

21 BY MR. JONAS:

22 Q. Let me pause for a moment. Agent Noordeloos, do you --
23 have you ever heard of APAC?

24 A. Yes, sir, I have.

25 Q. From your understanding, what is it?

1 A. It is the American-Israeli Political Action Committee.

2 Q. Defendant said if you're going to tell him that he's
3 wrong, then you are a traitor. Did you ever tell the
4 defendant that he was wrong?

5 A. At no time, sir.

6 Q. Did you ever tell him he's right?

7 A. At no time.

8 Q. Why not?

9 A. I was there to investigate his threatening communications,
10 not discuss his beliefs.

11 (Government Exhibit 117 played in open court.)

12 BY MR. JONAS:

13 Q. Agent Noordeloos, you had said earlier on in this clip to
14 the defendant, he can believe what you want. Do you recall
15 stating that?

16 A. Yes, sir, I do.

17 Q. What did you mean by that?

18 A. He's entitled to have whatever beliefs he wishes, chooses
19 to have, sir.

20 Q. Did you ever tell him he cannot have those beliefs?

21 A. At no time.

22 Q. Did you ever tell him he cannot post those beliefs on the
23 internet?

24 A. At no time.

25 Q. Did you ever attempt to infringe his First Amendment

1 rights?

2 A. Never.

3 Q. You said that you treated him with respect. Is that
4 something you said to him multiple times throughout the
5 interview?

6 A. I did.

7 Q. Why did you say that?

8 A. I was hoping to remind him that he was being treated with
9 respect and hopefully that him being reminded of that would
10 deescalate the contact.

11 MR. JONAS: Your Honor, if I can play Government's
12 Exhibit 118, and the corresponding transcript is Government's
13 Exhibit 243.

14 THE COURT: Go ahead.

15 (Government Exhibit 118 played in open court.)

16 MR. JONAS: Your Honor, if I can play Government's
17 Exhibit 119 with a corresponding transcript of 244.

18 THE COURT: Go ahead.

19 (Government Exhibit 119 played in open court.)

20 BY MR. JONAS:

21 Q. Agent Noordeloos, the defendant says, "That's ISIS." Can
22 you tell us what's going on here?

23 A. He was showing me something on his phone, sir.

24 Q. Was it ISIS, the terrorist organization that he was
25 showing you?

1 A. He was claiming that a photo was somehow affiliated with
2 the Islamic state.

3 (Government Exhibit 119 played in open court.)

4 BY MR. JONAS:

5 Q. Agent Noordeloos, you asked the defendant what would he do
6 if he saw Nikki Haley in Ottawa, Illinois, and he said he
7 would scream, "Muslim traitor" and watch Ottawa pummel her.
8 What was your understanding of what he meant by that?

9 A. My understanding of Mr. Haas' statements is that he was
10 hoping to incite others to pummel her into the blank ground.

11 Q. And how did that make you feel as someone investigating
12 threats?

13 A. It -- I remained concerned.

14 MR. JONAS: Judge, if I can play Government's Exhibit
15 120, and the corresponding transcript is Government's Exhibit
16 245.

17 THE COURT: You may.

18 (Government Exhibit 120 played in open court.)

19 BY MR. JONAS:

20 Q. Why did you ask him how he was feeling?

21 A. A lot of times in these threat investigations, it's
22 important both to have our observations of the individual who
23 sent the threats and also the input information from the
24 person themselves as to how they're feeling so we can better
25 understand them.

1 Q. And I just want to make sure. Do you have a background in
2 psychology or psychiatry?

3 A. I do not.

4 Q. So is it your understanding in asking these questions
5 based upon your years as a law enforcement agent?

6 A. Yes, and my training and experience, yes, sir.

7 MR. JONAS: Your Honor, I'd like to play Government's
8 Exhibit 1 with a corresponding transcript of Government's
9 Exhibit 201.

10 THE COURT: All right. Go ahead -- actually, one
11 moment.

12 MR. JONAS: Sorry, Judge.

13 THE COURT: Let's get a sidebar.

14 (Proceedings heard at sidebar:)

15 THE COURT: All right. I might have missed it. I
16 don't think you had moved to admit 201 through, is it, 204.

17 MR. JONAS: I'm sorry, your Honor. The transcripts?

18 THE COURT: Yes.

19 MR. JONAS: I apologize. I think you may be right.

20 THE COURT: So 201 corresponds with 1; is that
21 correct?

22 MR. JONAS: That's correct.

23 THE COURT: And then 202 with interview clip 2; is
24 that right?

25 MR. JONAS: Yes, right.

1 THE COURT: Okay. And then are you planning on
2 introducing 203 and 204?

3 MR. JONAS: Yes, your Honor, when we get to the
4 January 26th transcripts.

5 THE COURT: Okay. So you have to lay a separate
6 foundation for those for 3, 4, 203, and 204. All right. But
7 you're moving 201 and 202?

8 MR. JONAS: Yes, your Honor.

9 THE COURT: Okay. Mr. Haas, any objections other
10 than the previous ones?

11 THE DEFENDANT: No, sir.

12 THE COURT: All right. So 201 and 202 are allowed.

13 MR. JONAS: Sorry about that, your Honor.

14 (Proceedings heard in open court:)

15 THE COURT: All right. 201 and 202 are in.

16 (Government Exhibits 201 and 202 received in evidence.)

17 MR. JONAS: Judge, may I play 201?

18 THE COURT: You may.

19 (Government Exhibit 201 played in open court.)

20 BY MR. JONAS:

21 Q. Agent Noordeloos, when he said that last line, "anyone who
22 wants to make that a crime should be followed home and stabbed
23 to death," did that concern you?

24 A. Very much so, sir.

25 Q. Why?

1 A. In threat investigations, in protective intelligence
2 investigations where we're protecting government officials,
3 one of the things that concerns us the most is when somebody
4 either states an intent or there is an actual approach on one
5 of our protected persons or a facility.

6 Mr. Haas, speaking of following somebody home, i.e.,
7 conducting surveillance on that person and following them,
8 definitely concerned me.

9 Q. Now, he doesn't say necessarily like he's the one that's
10 going to do it.

11 A. He did not.

12 Q. Does that make any difference to you?

13 A. No, sir, it does not.

14 Q. Why not?

15 A. Because as he stated earlier, his intent was to get other
16 people to do the acts for him.

17 MR. JONAS: Okay. Back to the recording.

18 (Government Exhibit 201 played in open court.)

19 BY MR. JONAS:

20 Q. Agent Noordeloos, what did you mean when you said,
21 "freedom of speech up to hate speech," and then "freedom of
22 speech up to fighting words"?

23 A. In those comments I made, I was really trying to explain
24 to Mr. Haas and hopefully increase his understanding of, I
25 guess, a conceptual line in the sand of what is

1 constitutionally protected free speech, what is hate speech,
2 what's fighting words, and what are threats.

3 THE COURT: All right. And a reminder to the jury, I
4 will give you instructions of law that's going to incorporate
5 the First Amendment protections.

6 BY MR. JONAS:

7 Q. Agent Noordeloos, why were you trying to do that?

8 A. Our goal is to mitigate the threat that Mr. Haas would
9 present to any of our protected persons at the U.S. Department
10 of State. And for him to better understand the thresholds of
11 what he's allowed to say and post, that helps us mitigate
12 those potential threats.

13 Q. Is that in the hopes that he would follow the
14 understanding of the mitigation that you're trying to convey
15 to him?

16 A. That he would stop the threatening comments, yes, sir.

17 Q. Were you trying to get him to stop saying his beliefs
18 online?

19 A. Never.

20 MR. JONAS: Okay. Let's go back to the audio.

21 (Government Exhibit 201 played in open court.)

22 BY MR. JONAS:

23 Q. Agent Noordeloos, is the defendant, in the line where he
24 says, "If you're going to come charge me for an F'ing internet
25 threat," what was your understanding of what he meant by that?

1 A. It was my understanding that he was saying if I was there
2 to arrest him and charge him for making threatening internet
3 comments.

4 Q. Were you there to arrest him and charge him?

5 A. I was not. I was there to interview him, sir.

6 MR. JONAS: I'll keep going.

7 (Government Exhibit 201 played in open court.)

8 BY MR. JONAS:

9 Q. He said, "I might go F'ing visit them because they pushed
10 me to that point." That's after he's saying he'll do his two
11 weeks and then he'll go F'ing visit them. Was that a concern?

12 A. Very much so. Again, it gets to the conceptual of an
13 approach and following somebody.

14 Q. He said, "Because they pushed me to that F'ing point."

15 What was your understanding of what he meant by that?

16 A. Mr. Haas was stating that other persons pushed him to take
17 such action.

18 Q. Were you pushing him to take any action?

19 A. No, sir, I was not.

20 (Government Exhibit 201 played in open court.)

21 BY MR. JONAS:

22 Q. Agent Noordeloos, the defendant talked to you about
23 getting buttons pushed. Do you recall that?

24 A. Yes, sir, I do.

25 Q. And that it's dangerous to push people's buttons, correct?

1 A. Yes.

2 Q. In fact, he said that if he pushes your buttons, you may,
3 I think you put it as break leather and shoot him?

4 A. Yes, sir.

5 Q. Did you argue with him on social media?

6 A. Never.

7 Q. Did you argue with him at all during this meeting about
8 his beliefs?

9 A. I did not.

10 Q. Did you argue with him at all at any time about anything?

11 A. I did not.

12 Q. Do you know, if you know, did any other State Department
13 employee argue with him on social media?

14 A. No, sir, I'm not aware of any other.

15 Q. Or argue with him about his beliefs?

16 A. No, sir.

17 Q. Did he acknowledge posting threats online against people
18 or groups prior to ever meeting with you?

19 A. Can you restate your question, sir?

20 Q. I tripped over the question. Prior to -- did he
21 acknowledge during your interview with him that prior to
22 meeting with him on that day that he, in fact, had posted
23 threats online against people who pushed his buttons?

24 A. Yes, sir, he did.

25 Q. Did you ever encourage him to send threats online?

1 A. At no time, sir.

2 Q. Did you instruct him to do so?

3 A. No.

4 Q. Did you do the opposite?

5 A. I was encouraging him to stay within the constitutionally
6 protected freedom of speech, yes, sir.

7 Q. Have you ever heard of something called VK or vk.com?

8 A. I have, sir.

9 Q. And did you hear of it prior to your meeting with
10 defendant?

11 A. Yes, sir.

12 Q. What's your understanding of what that is?

13 A. It's my understanding that VK is a Russian-based social
14 media platform similar to Facebook or Instagram.

15 Q. Did you have -- during this January 25th meeting or any of
16 your meetings with the defendant, did you have discussions
17 with him about vk.com?

18 A. No, sir, I did not.

19 Q. Did he ever tell you he was posting things on VK?

20 A. No, sir.

21 Q. Were you aware when you met with him that he had an
22 account on VK?

23 A. I was not.

24 Q. He says at the very end, quote, "You're protecting
25 scumbags by coming to my fucking house right now."

1 A. That's Line 36 and 37, sir?

2 Q. Correct. Page 4 of that Government Exhibit --

3 A. Yes, sir.

4 Q. -- 201.

5 A. That's what he stated.

6 THE COURT: Mr. Jonas, if you could slow your pace a
7 little bit.

8 MR. JONAS: I'm sorry, Judge.

9 BY MR. JONAS:

10 Q. Did you make it clear to him that you were there because
11 of the threats against Nikki Haley?

12 A. Yes, sir, I did.

13 Q. Were you there to bother him about his freedom of speech?

14 A. No, sir.

15 Q. Did you ever disrespect him?

16 A. No, sir.

17 Q. Did you tell him multiple times that you were, in fact,
18 respecting him?

19 A. I did, multiple times.

20 Q. At this point in this clip, you mentioned to him that
21 you're State Department.

22 A. I did.

23 Q. Why at this point did you tell him that?

24 A. Sir, at this point I identified myself as a fed in the
25 vernacular. I wanted to -- a lot of times as a diplomatic

1 security service special agent, a lot of the general public
2 has not heard of us. So I wanted to start that I was a fed
3 and then explain later that I was with Diplomatic Security
4 Service of the State Department.

5 MR. JONAS: Your Honor, at this time I'd like to play
6 Government's Exhibit 121 with a corresponding transcript of
7 246.

8 THE COURT: All right. Go ahead.

9 (Government Exhibit 121 played in open court.)

10 BY MR. JONAS:

11 Q. Did you offer him help?

12 A. I did.

13 MR. JONAS: Your Honor, if we can play Government's
14 Exhibit 122 with the transcript of Government's Exhibit 247.

15 THE COURT: All right. Go ahead.

16 (Government Exhibit 122 played in open court.)

17 BY MR. JONAS:

18 Q. When you said, "Are you willing to talk to somebody," what
19 did you mean?

20 A. It was my offer to Mr. Haas to get him connected with a
21 therapist regarding his anger issues.

22 MR. JONAS: Your Honor, if I can play Government's
23 Exhibit 123 with a corresponding transcript of Exhibit 248.

24 THE COURT: You may.

25 (Government Exhibit 123 played in open court.)

1 BY MR. JONAS:

2 Q. So Agent Noordeloos, when you said to the defendant, "I
3 want you to be able to say your piece," what did you mean?

4 A. I wanted him to still have the right to express his
5 beliefs, his freedom of speech.

6 Q. And you said, "On a volume, if you could instead of being
7 like volume on a scale, on a zero to ten scale around 11.5,"
8 did you mean that he was at 11.5 before or you want him to
9 tone it down to 11.5?

10 A. I was clarifying that on that scale that I mentioned, the
11 zero to ten volume scale to conceptualize it, that he was
12 currently off the scale at 11.5.

13 Q. And did he acknowledge that he would try to tone it down?

14 A. He said, "I'll try to be calmer about it."

15 MR. JONAS: Judge, if I can play Government's Exhibit
16 2 with corresponding transcript of 202.

17 THE COURT: Go ahead.

18 (Government Exhibit 2 played in open court.)

19 MR. JONAS: Sorry, Judge.

20 BY MR. JONAS:

21 Q. So Agent Noordeloos, you said to him essentially, "meet
22 halfway." What did you mean by "meet halfway"?

23 A. In interviews and contacts like this in protective
24 intelligence cases, it's oftentimes a negotiation. I'm
25 speaking to the person. My goal is to get them to not make

1 further interstate threatening communications. So meeting
2 halfway was in -- I was articulating it that way so he knew he
3 could still express his beliefs but do so without making
4 threatening communications.

5 Q. The very last line you said, "I think you're crossing a
6 line on fighting words." What were you trying to convey to
7 him?

8 A. I was attempting to convey to him that the comments in the
9 lines before there on the recording and on the transcript were
10 indeed outside of protected First Amendment speech and were
11 threatening communications.

12 MR. JONAS: Judge, if I can play Government's Exhibit
13 124 with a transcript of 249.

14 THE COURT: Go ahead.

15 MR. JONAS: And, Judge, I think I accidentally
16 switched the sides of the recording and the transcript.

17 THE COURT: All right.

18 (Government Exhibit 124 played in open court.)

19 BY MR. JONAS:

20 Q. Agent Noordeloos, he says, "but did you see what they
21 say?" Did you understand what he was talking about or who he
22 was talking about?

23 A. It was my understanding, sir, that he was referencing some
24 of the communications he displayed on his phone that we had
25 discussed earlier.

1 Q. And again, when you said to him "dialing it down," you
2 were talking about no threats?

3 A. Correct, no threats.

4 MR. JONAS: Judge, if I can play Government's Exhibit
5 125 with a corresponding transcript of 250.

6 THE COURT: Go ahead.

7 (Government Exhibit 125 played in open court.)

8 BY MR. JONAS:

9 Q. Agent Noordeloos, what's going on?

10 A. At that point we are exiting his apartment and walking
11 down the stairs to sidewalk level to go back to our car.

12 Q. He accused you in this clip of harassing him. Do you
13 remember that?

14 A. Can you go back to the previous page, sir?

15 Q. I can try.

16 Do you see on Line 12?

17 A. I do.

18 Q. Were you harassing him?

19 A. I was not.

20 MR. JONAS: I'll go back to the audio.

21 (Government Exhibit 125 played in open court.)

22 BY MR. JONAS:

23 Q. Did you put a stop on his travel?

24 A. I did not.

25 MR. JONAS: Your Honor, I'm going to be moving to the

1 next interview. I don't know if you want to break for lunch
2 or should I keep going.

3 THE COURT: It probably makes sense to break for
4 lunch. All right. Ladies and gentlemen, we'll reconvene at
5 1:15. Because again, I'm not going to see you for an entire
6 hour, I'm going to remind you to do no research into the case,
7 not the facts, law, or the parties. Don't communicate about
8 the case, not with anyone, even amongst yourselves. I'll see
9 you at 1:15.

10 (Proceedings heard in open court. Jury out.)

11 THE COURT: All right. Please be seated.

12 If you could put your mask back on -- oh, you've got
13 it already.

14 Anything for the record before we break?

15 MR. JONAS: No, your Honor, not from the government.

16 THE COURT: Mr. Haas, anything?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Okay. I'll see you at 1:15.

19 (Recess from 12:07 p.m. to 1:15 p.m.)

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
4 Plaintiff,)
5 v.) No. 19 CR 00486
6 ROBERT ANTHONY HAAS,) Chicago, Illinois
7 Defendant.) August 5, 2020
) 1:15 p.m.

VOLUME 3

TRANSCRIPT OF PROCEEDINGS

10 BEFORE THE HONORABLE EDMOND E. CHANG, and a Jury

11 || APPEARANCES:

12 For the Plaintiff: HON. JOHN R. LAUSCH, JR.
13 United States Attorney
14 BY: MS. ERIN E. KELLY
15 MR. BARRY JONAS
Assistant United States Attorneys
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
(312) 353-5300

17 For the Defendant: MR. ROBERT ANTHONY HAAS,
Pro se;

18 For the Defendant as BEDI & SINGER, LLP
standby counsel: BY: MS. DENA M. SINGER
19 53 West Jackson Boulevard
20 Suite 1505 Chicago, Illinois 60604
(312) 525-2017

22 Court Reporter: Judith A. Walsh, CSR, RDR, F/CRR
Official Court Reporter
23 219 South Dearborn Street, Room 2118
Chicago, Illinois 60604
24 (312) 702-8865
judith_walsh@ilnd.uscourts.gov

1 (Proceedings heard in open court. Jury in.)

2 THE COURT: All right. Please be seated.

3 Welcome back from lunch, ladies and gentlemen. I do
4 want to apologize, by the way, for what is the frigid
5 temperature in this courtroom. As you can tell, for health
6 reasons we're really cranking the air system in here. So I've
7 driven most of you into jackets, it looks like. So please
8 keep bringing the layers every day.

9 Okay. We're ready to resume with the questioning of
10 Mr. Noordeloos. Do you understand you're still under an oath
11 to tell the truth?

12 THE WITNESS: Yes, sir, I do.

13 THE COURT: All right. And you can keep the mask off
14 at this point.

15 All right. Mr. Jonas?

16 MR. JONAS: Thank you, Judge.

17 DAVID NOORDELOOS, GOVERNMENT'S REBUTTAL, PREVIOUSLY SWORN

18 DIRECT EXAMINATION (Resumed)

19 BY MR. JONAS:

20 Q. Agent Noordeloos, when we broke for lunch, we had just
21 finished discussing your interview on January 25th, 2018, of
22 the defendant, correct?

23 A. Yes, sir, we did.

24 Q. Did you meet the defendant again?

25 A. Yes, sir, the following day.

1 Q. January 26th?

2 A. January 26th, yes, sir.

3 Q. And where was that meeting?

4 A. That was at the Ottawa, Illinois, police department, sir.

5 Q. Did you force him to go to the Ottawa, Illinois, police
6 department to meet you? Did you compel him to do that? Let
7 me rephrase the question.

8 Did you as the State Department agent force him to go
9 to the Ottawa Police Department to meet with you?

10 A. No, sir, I did not.

11 Q. Okay.

12 THE WITNESS: Judge, my screen froze.

13 MR. JONAS: Yes. Our screen just locked out. If I
14 could have a moment to log back in.

15 THE COURT: Yes. Go ahead.

16 (Pause.)

17 BY MR. JONAS:

18 Q. Why did you meet with him again?

19 A. For a subsequent interview, sir.

20 Q. Why?

21 A. A lot of times in these type of investigations, multiple
22 interviews with the subject to see if the person's demeanor
23 has changed, to see if potentially levels of anger, levels of
24 contentment had changed to get a better understanding of the
25 person who had previously sent threats against a protectee.

1 Q. And did his attitude or demeanor change that second day?

2 A. No, sir. It was similar to the day prior.

3 Q. Was this meeting recorded?

4 A. Yes, it was.

5 Q. Was this audio and video?

6 A. Yes, sir, it was.

7 Q. And have you reviewed the audio and video recording?

8 A. I have.

9 Q. Does it fairly and accurately represent the conversation
10 you had with him in January 26, 2018?

11 A. Yes, sir, it does.

12 Q. And approximately how long was your interview with him?

13 A. Right around an hour.

14 Q. And are we playing the whole hour for the jury today?

15 A. No, sir.

16 Q. Have you reviewed clips of that January 26th meeting?

17 A. I have.

18 Q. And do those clips fairly and accurately represent the
19 interview, at least the portions of the interview that are on
20 the clip that you had with the defendant on that day?

21 A. Yes, sir, they do.

22 MR. JONAS: Your Honor, at this time I would offer
23 into evidence Government's Exhibits 3, 4, 126, 127, and 128.

24 THE COURT: All right. Any objection other than
25 previous ones?

1 THE DEFENDANT: No, your Honor.

2 THE COURT: All right. They're in.

3 MR. JONAS: Thank you, Judge.

4 (Government Exhibits 3, 4, 126, 127, and 128 received in
5 evidence.)

6 BY MR. JONAS:

7 Q. Agent Noordeloos, did you assist in preparing transcripts
8 of the clips that we're going to play for the jury?

9 A. Yes, sir, I did.

10 Q. And you reviewed the transcript and made any corrections
11 that you saw needed to be made?

12 A. Yes, sir.

13 Q. And do those transcripts after your last review fairly and
14 accurately represent the clips of that January 26th meeting?

15 A. Yes, sir, they do.

16 MR. JONAS: Your Honor, at this time I would offer
17 into evidence the transcripts, Government's Exhibits 203, 204,
18 251, 252, and 253.

19 THE COURT: All right. Any objection other than
20 previous ones, Mr. Haas?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: All right. Those are allowed as
23 well.

24 (Government Exhibits 203, 204, 251, 252, and 253 received
25 in evidence.)

1 MR. JONAS: Your Honor, may I play for the jury and
2 publish Government's Exhibit 3 with a corresponding transcript
3 of 203?

4 THE COURT: You may.

5 (Government Exhibit 3 played in open court.)

6 BY MR. JONAS:

7 Q. Agent Noordeloos, the clip cut off about a word earlier
8 than the transcript. Do you recall the last word he said
9 before the clip cut off -- or the word he said after the clip
10 cut off?

11 A. I believe it was "citizen."

12 Q. He said, "I don't see you as an American citizen"?

13 A. Correct.

14 Q. And just so we're clear, are you an American citizen?

15 A. Yes, sir, I am.

16 MR. JONAS: Judge, if I can play Government's Exhibit
17 4 with a corresponding transcript of 204.

18 THE COURT: Go ahead.

19 MR. JONAS: I'm sorry, Judge. One second.

20 (Government Exhibit 4 played in open court.)

21 BY MR. JONAS:

22 Q. Agent Noordeloos, do you profit from war?

23 A. No, sir, I do not.

24 Q. Do you consider yourself a terrorist?

25 A. No, sir. I am not a terrorist.

1 MR. JONAS: Judge, if I can play Government's Exhibit
2 126 with the corresponding transcript of 251.

3 THE COURT: Go ahead.

4 (Government Exhibit 126 played in open court.)

5 BY MR. JONAS:

6 Q. Agent Noordeloos, what did you mean when you said to him,
7 "You're not afraid to put hands on people"?

8 A. Based on his history, his statements that he had made via
9 social media, he was not afraid to assault people. He even
10 said in previous contacts about his intent to assault somebody
11 if he sees them on the street.

12 Q. And you asked him about making changes. What did you mean
13 by that?

14 A. Perhaps addressing his self-admitted anger management
15 issues, keeping his social media comments to protected speech
16 only and not threats, fighting words, or intimidation.

17 MR. JONAS: Your Honor, I'd like to play Government's
18 Exhibit 127 with a corresponding transcript of 252.

19 THE COURT: All right. Go ahead.

20 (Government Exhibit 127 played in open court.)

21 BY MR. JONAS:

22 Q. Who is -- Agent Noordeloos, who is speaking?

23 A. That is Detective Sergeant Cheatham of Ottawa PD.

24 (Government Exhibit 127 played in open court.)

25 BY MR. JONAS:

1 Q. Agent Noordeloos, you said to the defendant something
2 about catching a collar.

3 A. Yes, sir.

4 Q. What did you mean?

5 A. I was articulating for him that future threats will likely
6 result in him being arrested and prosecuted.

7 Q. Did he challenge that?

8 A. Could I review the previous page there, sir?

9 MR. JONAS: And for the record, your Honor, I put the
10 previous page on the screen.

11 THE COURT: All right.

12 THE WITNESS: I'm trying to find it, sir. "You're
13 going to catch a collar." Mr. Haas responded that, "Nikki
14 Haley is a terrorist, and she should hang for her crimes, is
15 not illegal. If I say I'm going to come and do it, if I say
16 I'm going to come and do it or something like that or when
17 humanity is going to do it."

18 BY MR. JONAS:

19 Q. You talked about the difference between 7.5 and 7.6, I
20 believe is what you used --

21 A. Yes.

22 Q. -- the term you used?

23 Can you explain what you meant by that?

24 A. Again, just trying to set an articulable line in the sand,
25 if you will, for what is free speech and what could result in

1 being arrested and prosecuted for threats.

2 MR. JONAS: Your Honor, if we can play Government's
3 Exhibit 128 with a corresponding transcript of 253.

4 THE COURT: Go ahead.

5 (Government Exhibit 128 played in open court.)

6 BY MR. JONAS:

7 Q. Agent Noordeloos, what were you trying to accomplish in
8 that last clip?

9 A. I was trying to encourage Mr. Haas to obtain therapy for
10 his self-admitted anger management issues.

11 Q. With what goal did you have in mind with that?

12 A. With a goal of further mitigating his potential harm to a
13 Department of State protectee.

14 Q. Did you meet with him again after this January 26th
15 meeting?

16 A. Yes, sir, I did.

17 Q. And when was that?

18 A. The following day, Saturday, January 27, 2018.

19 Q. Why? Why did you meet with him?

20 A. I was informed by assistant DSS Chicago, Assistant Special
21 Agent in Charge Robert Rochowiak that he had been receiving
22 intimidating text messages on his work cell phone from
23 Mr. Haas.

24 Q. And what did -- why did you talk to the defendant about
25 that?

1 A. We were interested in discovering how Mr. Haas had
2 obtained Mr. Rochowiak's work cell phone number.

3 Q. And how did that happen?

4 A. From speaking to Mr. Haas on the 27th, Mr. Haas said that
5 he found a business card of Mr. Rochowiak on the floor in his
6 apartment after we had left.

7 Q. That would have been from the January 25th meeting two
8 days prior?

9 A. Yes, sir, the January 25th meeting.

10 Q. Did you discuss anything else with him on January 27th?

11 A. No, sir, I did not.

12 Q. Did you have any other meetings with him after January
13 27th, 2018?

14 A. No, sir, I did not.

15 Q. Did you have any other contact with him after that date?

16 A. No, sir.

17 Q. Did you try to arrest the defendant on any of those three
18 days?

19 A. No, sir.

20 Q. Why not?

21 A. The original threatening communication had been deleted by
22 the recipient, Ambassador Haley, and we opted to continue the
23 investigation.

24 Q. Without having the posts?

25 A. Due to the fact we did not have the documented post, yes,

1 sir.

2 MR. JONAS: Your Honor, I have no further questions.

3 THE COURT: All right. Cross-examination?

4 THE DEFENDANT: Thank you, your Honor.

5 CROSS-EXAMINATION

6 BY THE DEFENDANT:

7 Q. You say I made threatening communications or threats of
8 violence but I wasn't arrested. So obviously, they were First
9 Amendment protected speech. Why were you harassing me at that
10 juncture?

11 A. Can you restate the question, sir, or repeat the question?

12 Q. You claim I made threat -- made threatening
13 communications. Obviously, they were First Amendment
14 protected speech because you did not arrest me. Why were you
15 there harassing me?

16 MR. JONAS: Your Honor, I'm going to object to the
17 form of the question.

18 THE COURT: Sustained.

19 THE DEFENDANT: One second, your Honor.

20 BY THE DEFENDANT:

21 Q. You said there was four DSS officers and two Ottawa at
22 least. How many FBI were present at that time also?

23 A. Sir, on which date are you referring to?

24 Q. In front of my building when you guys pulled out your
25 guns.

1 A. Just to articulate, sir, you're referring to January 25?

2 Q. There was only one experience in front of my building.

3 A. So we're referring to January 25, sir? I guess I'm trying
4 to --

5 Q. I'm not exactly sure what date you did it. I'm asking you
6 how many FBI officers were in front of my building with you.

7 A. I was --

8 THE WITNESS: Your Honor, with all due respect, I was
9 in front of the building multiple dates. I'm just trying to
10 articulate --

11 THE COURT: So on the date, on January 25, 2018.

12 THE WITNESS: Okay.

13 THE COURT: I believe the question Mr. Haas is asking
14 first is, were there any FBI agents at that time.

15 BY THE WITNESS:

16 A. On January 25, 2018, in front of your apartment on Main
17 Street in Ottawa, Illinois, and in your apartment, there were
18 no FBI agents.

19 BY THE DEFENDANT:

20 Q. I'm just -- one of my neighbors told me that the FBI was
21 in their building and stated that they were FBI and that they
22 were wondering if I was available at that time right before I
23 walked out my door and you guys pointed your guns at me.

24 MR. JONAS: Objection --

25 THE COURT: Mr. Haas, you are testifying rather than

1 posing a question, so please do pose a question.

2 BY THE DEFENDANT:

3 Q. You said this was an unplanned interview, it's better to
4 not plan an interview with a suspect. So you like to surprise
5 people with your gun out and point it in their face, is that
6 correct, to get a reaction so you can arrest them possibly?

7 A. That was -- can I break that question up into --

8 Q. Absolutely. Go ahead.

9 A. Oh, to answer. So the first part of your question was
10 what, sir?

11 Q. You said it's better not to plan an interview, you like to
12 surprise people.

13 A. I don't believe I said I like to surprise people, sir.

14 Q. Well, that's what it -- that's what you basically said.

15 MR. JONAS: Objection, your Honor. That's not a
16 question.

17 THE COURT: Sustained.

18 BY THE DEFENDANT:

19 Q. Carry on.

20 MR. JONAS: Your Honor, I think that there was a
21 compound --

22 THE COURT: Why don't you just pose another question.
23 You can keep on this line of questioning. Just pose another
24 one.

25 BY THE DEFENDANT:

1 Q. Okay. You are a diplomat security service. Do you
2 understand the definition of terrorism?

3 A. I am a special agent with the Diplomatic Security Service
4 of the U.S. Department of State, sir, and, yes, I understand
5 the definition of terrorism.

6 Q. It's using the threat of violence to intimidate or cause
7 panic especially as a means of achieving a political end.

8 MR. JONAS: Objection.

9 THE COURT: Sustained as to relevance.

10 BY THE DEFENDANT:

11 Q. Did you come to my house to intimidate me for political
12 end?

13 A. At no time, sir.

14 Q. So you weren't supporting a United Nations protectee or
15 who you're securing?

16 A. Sir --

17 Q. A United Nations employee?

18 A. I'm a special agent with the U.S. Department of State
19 Diplomatic Security Service. Ambassador --

20 Q. But you came because I exercised my freedom of speech on
21 an employee of the United Nations. You came and jumped out
22 and pointed guns at me to startle me and terrorize me. Is
23 that true?

24 MR. JONAS: Objection.

25 THE COURT: Go ahead and answer.

1 THE WITNESS: Sir, can I get the question one more
2 time, please, with respect?

3 BY THE DEFENDANT:

4 Q. You came with the political goal of intimidating me -- did
5 you not come with a political goal to intimidate and startle
6 me, jump out and surprise me?

7 THE COURT: Okay. Just end it there.

8 Go ahead and answer.

9 BY THE WITNESS:

10 A. Sir, at no time did I appear at your residence to
11 intimidate or startle you.

12 THE COURT: Okay. Then you can keep questioning.

13 BY THE DEFENDANT:

14 Q. Did you or did you not exit your vehicle with your gun in
15 your hand?

16 A. I exited the vehicle. When you reached for your pocket
17 and turned is when I unholstered my sidearm and pointed it at
18 you, identified myself as a police officer, and ordered you to
19 get on the ground.

20 Q. In your comment, you said, "I thought you were going to
21 run," not, "I thought you had a gun." Now, why would you pull
22 out your gun if you thought I was going to run away if I
23 wasn't under arrest? If I wasn't being illegally detained,
24 why are you pulling out a gun and telling me to get on the
25 ground?

1 If I turn to walk away, you at that point made an
2 illegal seizure. You seized me with no probable cause, no
3 warrant, and no charges.

4 MR. JONAS: Objection.

5 THE COURT: Sustained as to the form. It was
6 compound.

7 You can break this up, Mr. Haas. Just you can take
8 the first part of that question, stop, and get an answer and
9 then keep going.

10 THE DEFENDANT: Okay.

11 THE COURT: So take a look at your question, all
12 right, and try to reformulate it and pose it again.

13 BY THE DEFENDANT:

14 Q. I turned to walk away and supposedly then you pulled out
15 your gun. What entitled you to pull out your gun because I
16 was leaving the scene?

17 A. Sir, as you were turning, you also patted your right front
18 pocket, a furtive movement, which made me fear for my safety
19 and believe that you possibly had a weapon.

20 Q. I was fearing for my safety, sir.

21 A. That's --

22 Q. That's why --

23 THE COURT: Mr. Haas, that -- please. I'll instruct
24 the jury to disregard that remark.

25 All right. Please pose a question.

1 BY THE DEFENDANT:

2 Q. I was explaining Israeli lobbying to you. How would you
3 feel about Russian lobbying or Iranian lobbying or ISIS
4 lobbyists in our country?

5 MR. JONAS: Objection. Relevance.

6 THE COURT: Sustained as irrelevant.

7 BY THE DEFENDANT:

8 Q. You said that -- I said, "That's ISIS." Is that correct?

9 A. Yes, sir.

10 Q. And was I talking about the Oded Yinon Plan to create
11 Sunni and Shiite opposing Muslim sects, the Israeli plan?

12 A. I do not --

13 Q. You do not recall that conveniently?

14 A. I do not recall the specifics of what you were referring
15 to --

16 Q. Okay.

17 A. -- when you said, "That's ISIS."

18 Q. And when I said, "She's not white, Israel is an apartheid
19 state but white people have no business in that desert," is
20 that or is that not what I said about your boss --

21 A. I'm sorry. I don't --

22 Q. -- Nikki Haley?

23 A. I don't understand your question, sir.

24 THE COURT: Are you referring to a transcript,
25 Mr. Haas, or not?

1 THE DEFENDANT: I'm referring to what was said in
2 general in that conversation. The transcript skipped large
3 portions of our conversation.

4 THE COURT: Okay. Then you're going to have to
5 pose -- go ahead and try to pose the question again.

6 BY THE DEFENDANT:

7 Q. Okay. In our meeting, did I or did I not say Israel is an
8 apartheid state?

9 A. I don't recall you using the word "apartheid," but I'd be
10 happy to review the transcripts, sir.

11 Q. What is free speech and what is hate speech? You
12 mentioned that multiple times. What is free speech and what
13 is hate speech? Are you the person who makes that decision,
14 or is the Congress the people that make that decision? Who
15 decides that?

16 MR. JONAS: Objection.

17 THE COURT: Sustained. And I'll just remind the jury
18 as I have before that I will give you the law that governs the
19 case. And I also reminded you during Mr. Noordeloos'
20 testimony that whenever he referred to, for example, threats,
21 that's from his perspective and not a legal definition.

22 Okay. Go ahead, Mr. Haas.

23 THE DEFENDANT: Yes, your Honor.

24 BY THE DEFENDANT:

25 Q. In the video I said, "Before I realized you're really

1 cops." Why would I turn and run -- let me rephrase that. I
2 said, "Before I realized you're really cops." When I saw you,
3 I turned and walked away. What would make me turn and walk
4 away other than a gun in your hand when you exited the
5 vehicle?

6 MR. JONAS: Objection.

7 THE COURT: Sustained. It calls for speculation.

8 BY THE DEFENDANT:

9 Q. Okay. Do you think a normal person would see a door open
10 of a car and turn and try to flee because a door opened on a
11 car?

12 MR. JONAS: Objection.

13 THE DEFENDANT: Is that normal?

14 MR. JONAS: Objection.

15 THE COURT: Okay. Overruled. You can go ahead and
16 answer.

17 THE WITNESS: Can you repeat your question, sir?

18 BY THE DEFENDANT:

19 Q. I walked out my door and I turned to the left, and I saw a
20 car door open, and I turned around to go back into my house.
21 Is that normal to see a car door open from anyone? A car door
22 opens, you turn and run away, is that typical, or is there
23 usually you see something that startles you that makes you
24 want to run away?

25 MR. JONAS: Objection to the form.

1 THE COURT: Okay. Just try to answer that question
2 based on your training, experience, and how people react to
3 you.

4 BY THE WITNESS:

5 A. Just to make sure I'm understanding you correctly, sir,
6 you're asking me if it's normal for somebody to see a car door
7 open as they're walking down the street and then run away? Is
8 that what you're asking me, sir? I just want --

9 BY THE DEFENDANT:

10 Q. Yes.

11 A. -- to --

12 Q. Yes, sir. Let me just simplify it. I live on a busy
13 street. Do you think I turn and run every time a car door
14 opens on my block on Main Street?

15 MR. JONAS: Objection. Speculation.

16 THE COURT: Sustained. You had the question,
17 Mr. Haas. So if you return to it, maybe you'll get an answer
18 on it.

19 BY THE DEFENDANT:

20 Q. Can you think of any reason that I would turn and run from
21 somebody exiting a vehicle other than seeing a gun?

22 MR. JONAS: Objection.

23 BY THE DEFENDANT:

24 Q. When you said, "Get on the ground," I stopped immediately.

25 THE COURT: Sustained as to the first question that

1 had been asked --

2 THE DEFENDANT: Okay.

3 THE COURT: -- before the objection.

4 THE DEFENDANT: I'll skip to something else.

5 THE COURT: You can pose the second question that you
6 had just asked if you want.

7 BY THE DEFENDANT:

8 Q. You mentioned anger issues. Is having an anger issue a
9 crime?

10 A. No, sir, it is not.

11 Q. You said "11.5." Is that your anger scale?

12 A. That's a scale that I was using to help you understand.

13 Q. Oh, is an 11.5 a crime?

14 MR. JONAS: Objection.

15 THE COURT: Sustained.

16 BY THE DEFENDANT:

17 Q. You said "dial it down." What did I say?

18 A. I would have to review the transcript to see exactly what
19 you said, sir.

20 Q. When you were walking away, at the very end it said, "Call
21 me." I told you, "Call me."

22 Do you recall me saying, I said, "Call me like a man,
23 not jump out with a gun like a terrorist"? Do you recall me
24 saying that?

25 A. I do not recall you saying that, nor do I recall seeing

1 that in the transcripts or in the audio recording, sir.

2 Q. Of course.

3 THE COURT: Mr. Haas, if you want the government to
4 display a particular transcript, just ask me, and I will
5 direct the government to do that.

6 THE DEFENDANT: Thank you, your Honor.

7 BY THE DEFENDANT:

8 Q. The government asked you, did you force me to go to the
9 Ottawa Police Department to speak to you. Was I or was I not
10 already at the Ottawa Police Department against my will for
11 something separate?

12 A. You were already at the Ottawa Police Department.

13 Q. You said what I'm doing is moving towards a conspiracy,
14 conspiring. Obviously, you know what a conspiracy is?

15 A. I do.

16 Q. Do you know what racketeering is?

17 MR. JONAS: Objection.

18 THE COURT: Sustained as to relevance.

19 BY THE DEFENDANT:

20 Q. Do you support the terrorist Zionist Israeli protection
21 racket controlling the United States?

22 MR. JONAS: Objection.

23 THE COURT: Sustained as to relevance.

24 BY THE DEFENDANT:

25 Q. You said you threatened me with prosecution. Why would

1 you -- why would you warn me about prosecution when I have
2 done nothing besides protected speech? You were attempting --
3 were you attempting to chill my protected speech, my First
4 Amendment protected speech? Is that what you were attempting
5 to do?

6 A. Can you repeat the question, sir? I missed one word.

7 THE COURT: Just answer the last question that he
8 asked instead of the other two.

9 BY THE DEFENDANT:

10 Q. Were you attempting to chill my First Amendment protected
11 speech?

12 A. You're asking me if I intended to chill, c-h-i-l-l.

13 Q. Yes.

14 A. No, at no time.

15 Q. So what was your point in visiting me if you weren't
16 trying --

17 A. To encourage you --

18 Q. You -- I'm sorry. Go ahead.

19 A. To encourage you to no longer make interstate threatening
20 communications in violation of federal law.

21 Q. If I had really made threatening communications in
22 violation of federal law, interstate commerce, wouldn't I have
23 been arrested right then?

24 A. If the threatening communication that you had directed
25 against Ambassador Haley had not been deleted, I would have

1 sought an arrest warrant for your arrest.

2 Q. I don't believe there was a comment. I'll move on.

3 You said, trying to set a line in the sand, what is a
4 threat and what can be prosecuted. You make that line in the
5 sand?

6 A. No, sir. I was intending to help you understand what
7 could reach an arrest and prosecution of interstate
8 threatening communications.

9 Q. So three days in a row, you came to do what?

10 A. Like I just said, sir, encourage you to no longer direct
11 interstate threatening communications against Department of
12 State protected persons.

13 Q. Do you not see how an average person exercising their
14 First Amendment protected speech would find that as invading
15 their privacy and attempting to violate their First Amendment?

16 MR. JONAS: Objection.

17 THE COURT: Sustained as to the form.

18 THE DEFENDANT: I'm finished, your Honor. No further
19 questions.

20 THE COURT: All right. Is there any redirect?

21 MR. JONAS: No, your Honor.

22 THE COURT: All right. Mr. Noordeloos, you are
23 excused. First, let me ask you to put your mask back on.

24 THE WITNESS: Yes, sir.

25 THE COURT: And then second, what we've been asking

1 the witnesses to do is put on a pair of latex gloves, please.
2 And then I'm going to ask you after you've got your gloves on
3 to take a disinfecting wipe and just wipe down the table
4 surface in front of you --

5 THE WITNESS: Yes, sir.

6 THE COURT: -- as well as the chair and the armrests.

7 THE WITNESS: Yes, sir.

8 May I stand up, sir?

9 THE COURT: Yes, you can now. Then you can take the
10 mike cover and the wipe and the gloves and you can throw them
11 all in that wastebasket that should be right there.

12 THE WITNESS: May I step down, your Honor?

13 THE COURT: Yes. You can step down.

14 (Witness excused.)

15 THE COURT: All right. Can you announce your next
16 witness?

17 MR. JONAS: Yes, Judge. The government calls Matt
18 Najdanovich to the stand.

19 THE COURT: All right. If you could come on up, and
20 then as you pass that table with the white squares, pick one
21 of them up. That's a microphone cover. You can step up to
22 the witness stand. And I'll ask you to slip the cover over
23 the tip of the microphone.

24 All right. And then you can have a seat. And you
25 may remove your mask. All right. Great. And turn towards

1 me, please. You can stay seated. Please raise your right
2 hand.

3 (Witness sworn.)

4 THE WITNESS: I do.

5 THE COURT: All right. Mr. Jonas?

6 MR. JONAS: Thank you, Judge.

7 MATTHEW NAJDANOVICH, GOVERNMENT'S REBUTTAL WITNESS, SWORN
8 DIRECT EXAMINATION

9 BY MR. JONAS:

10 Q. Can you state and spell your name?

11 A. Matthew Najdanovich. It's N-a-j-d-a-n-o-v-i-c-h.

12 Q. What do you do for a living?

13 A. I'm a detective with the Ottawa Police Department.

14 Q. And how long have you been with the Ottawa Police
15 Department?

16 A. Just shy of seven years.

17 Q. Can you just orientate, where is Ottawa, Illinois? Like
18 what's a big landmark people would know?

19 A. So Starved Rock State Park is the most commonly known in
20 proximity to Ottawa. We're just a little bit to the east of
21 there.

22 Q. Did there come a time when you were asked to accompany
23 State Department agents along for an interview with the
24 defendant, Robert Haas?

25 A. Yes.

1 Q. Do you remember approximately when that was?

2 A. January, I want to say, maybe 2018.

3 Q. And what was your role? Why were you asked to go?

4 A. My role and what I did was, we were just asked to assist
5 them because they came to Ottawa. They asked for, you know,
6 representatives from the Ottawa Police Department to accompany
7 them. My role on that first time there was I was just in a
8 vehicle near Mr. Haas' residence waiting for the member of the
9 State Department to speak with him.

10 Q. And were you able to see the area where everyone was --
11 where the other agents were waiting?

12 A. Yup.

13 Q. Do you remember the names of the agents who you were
14 accompanying?

15 A. I'm sorry. I do not.

16 Q. Did you see on that day a State Department agent draw his
17 weapon?

18 A. Yes.

19 Q. Was that, he drew his weapon on the defendant?

20 A. Correct.

21 Q. Where were you when that happened?

22 A. So I would have been -- so that occurred on the north side
23 of Main Street in Ottawa. I was on the south side of Main
24 Street about half a block to the east.

25 Q. Did you have a view of the defendant at that time?

1 A. Yes.

2 Q. Did you see the defendant make any moves that would have
3 caused the agent to draw his gun?

4 A. I couldn't see exactly where he reached. There was a car
5 in between of us, but he reached down towards his like waist
6 area.

7 Q. In your experience as a law enforcement officer, did you
8 think that was a maneuver that justified a gun being drawn by
9 another agent?

10 A. Yes.

11 Q. Did you hear any of the State Department agents threaten
12 to kill defendant on that day?

13 A. No, I did not.

14 Q. Is that something that would have stuck out in your mind
15 if someone said that?

16 A. Yes.

17 Q. Did things calm down after a few minutes?

18 A. Yes. Almost immediately after the agent drew his weapon,
19 the situation became calm very quickly after that.

20 Q. Did you go up with the State Department agents and the
21 defendant into his apartment?

22 A. No, I did not.

23 Q. What did you do after?

24 A. So after the situation calmed down to a degree, the agents
25 and Mr. Haas went up to his apartment. I left the area.

1 Q. Was there another occasion where FBI agents asked you to
2 accompany them to interview the defendant?

3 A. Yes.

4 Q. Would that have been about May of 2019?

5 A. That sounds correct.

6 Q. Why were you asked to go?

7 A. Again, when they come to Ottawa, they ask for
8 representatives of the police department to accompany them.

9 Q. Do you remember the names of the agents who asked you to
10 accompany them in May of 2019?

11 A. I remember the FBI agent's first name was Joe. That's
12 all.

13 Q. Did you go with him to interview the defendant?

14 A. Yes.

15 Q. Do you remember where that location was?

16 A. Yup. We went to west Washington Street in Ottawa. I
17 don't remember the exact hundred block, but it was on the west
18 side of town.

19 Q. Was it defendant -- is that where he lived?

20 A. No. He was doing some work to a residence over there. I
21 believe he was putting in a French drain.

22 Q. Did the agents draw their gun on him that day?

23 A. No.

24 Q. Did any of the agents say that they were going to kill the
25 defendant?

1 A. No.

2 Q. What happened?

3 A. So they came to town to speak with Mr. Haas. The agents,
4 they spoke with him in the front yard of that property where
5 he was working. And they just had a discussion with him
6 there. Myself and my supervisor were present. We just kind
7 of stood back and allowed them to conduct their investigation.

8 Q. What was the defendant's attitude towards them?

9 A. Very hostile.

10 Q. Was their attitude hostile in return?

11 A. No. Their behavior was calm.

12 MR. JONAS: No further questions, Judge.

13 THE COURT: All right. Cross-examination?

14 CROSS-EXAMINATION

15 BY THE DEFENDANT:

16 Q. Do you know anything about Officer Noordeloos visiting
17 with my landlord inside your police station, in the Ottawa
18 police station?

19 A. I know that a conversation took place between officers or
20 agents with the landlord, but I don't have any information to
21 what that pertained to.

22 Q. In the Ottawa police station, is it standard to harass
23 someone's landlord because you suspect them of a crime?

24 MR. JONAS: Objection.

25 THE COURT: Sustained. It assumes facts not in

1 evidence.

2 THE WITNESS: No.

3 THE COURT: When I sustain an objection, no need to
4 answer.

5 THE WITNESS: Okay. Sorry.

6 BY THE DEFENDANT:

7 Q. You had said the situation calmed down --

8 A. Yes.

9 Q. -- in front of my apartment. When was it not calm?

10 A. So --

11 Q. Did I do something that made it not calm?

12 A. When agents exited the vehicle and made contact with you
13 originally, based on your furtive movements, Agent Noordeloos
14 drew his weapon. I would classify that as elevated from calm.

15 Q. So you're saying Agent Noordeloos elevated the situation
16 from not calm with his weapon?

17 A. I'd say he responded to your behavior.

18 Q. You said at the job site in Ottawa, I was hostile towards
19 the FBI agents.

20 A. Correct.

21 Q. Is that typical behavior from someone who agrees to a
22 meeting with the police --

23 MR. JONAS: Objection.

24 THE DEFENDANT: -- to be hostile?

25 THE COURT: Sustained.

1 THE DEFENDANT: No further questions, your Honor.

2 THE COURT: Any redirect?

3 MR. JONAS: No, your Honor.

4 THE COURT: All right. Mr. Najdanovich, so you are
5 excused. However, first please put your mask back on. Now
6 I'm going to ask you to put on a pair of latex gloves. Once
7 you've done that, then please take out a disinfecting wipe
8 from that bottle right there and just wipe down the table
9 surface, and then you can stand and wipe down your chair and
10 the armrests.

11 And then when you're done with that, if you could
12 grab the mike cover also, and then you can throw that and the
13 gloves into that wastebasket. And then you are excused.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 THE COURT: All right. Anything else in the
17 government's rebuttal case?

18 MR. JONAS: Your Honor, can we have a quick sidebar?

19 THE COURT: All right.

20 (Proceedings heard at sidebar:)

21 THE COURT: Okay. Go ahead.

22 MS. KELLY: Your Honor, I wanted to follow up on
23 something before we close the case.

24 THE COURT: If you can bring the mike a little closer
25 to you.

1 MS. KELLY: Your Honor, I wanted to follow up on some
2 testimony from yesterday. And listening to the testimony
3 today about the admission of the transcripts, I may have,
4 during the testimony of Officer Mullen, moved to publish the
5 transcripts but not asked for their admission into evidence.
6 I can't recall specifically. But that may have been the word
7 choice I used. And I wanted to see if at this point there
8 would be any problem with moving their admission.

9 THE COURT: Right. Do you have any other objections
10 other than the prior ones, Mr. Haas?

11 THE DEFENDANT: No, your Honor.

12 THE COURT: Okay. They're allowed in. I think I
13 heard you say that and my response, I believe, was to allow
14 them into evidence.

15 MS. KELLY: I see.

16 THE COURT: So they're allowed.

17 MS. KELLY: Thank you.

18 THE COURT: All right. Anything else?

19 MS. KELLY: No, your Honor.

20 MR. JONAS: No, your Honor.

21 THE COURT: So the government rests its rebuttal
22 case, correct?

23 MR. JONAS: Yes, your Honor.

24 THE COURT: All right. Okay. Mr. Haas, well, first,
25 do you want to make another Rule 29 motion? Ms. Singer is

1 motioning for you to just take a look at the screen there.

2 (Pause.)

3 THE DEFENDANT: No, your Honor.

4 THE COURT: And do you have anything, any other
5 evidence to offer?

6 THE DEFENDANT: I do not.

7 THE COURT: Okay. I'm going to have the -- I'll have
8 the government rest its rebuttal case and then I'll just --
9 I'll turn to Mr. Haas, ask him in front of the jury if he has
10 anything else, and he'll say no. And then I'll let them go so
11 that we can have our instructions conference, and then we can
12 close tomorrow morning. Does that make sense to the
13 government?

14 MR. JONAS: Yes, your Honor.

15 THE COURT: And Mr. Haas?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: All right.

18 (Proceedings heard in open court:)

19 THE COURT: Okay. Any further rebuttal case from the
20 government?

21 MR. JONAS: No, your Honor. The government rests its
22 rebuttal case.

23 THE COURT: All right. And Mr. Haas, do you have
24 anything more to offer?

25 THE DEFENDANT: No, your Honor.

1 THE COURT: All right. Ladies and gentlemen, we have
2 then come to the conclusion of evidence. Now, what the
3 lawyers and Mr. Haas and I are going to do is spend the rest
4 of the afternoon working on jury instructions and otherwise
5 getting ready for closing arguments. So I'm going to let you
6 go early. It's like getting out of school a little bit early.
7 And I'll ask you to return tomorrow at the usual time, between
8 8:00 and 8:30.

9 It is still very important for you to do no research
10 into the case, not the facts, not the parties, not the law.
11 Even though evidence has closed, you have not heard the
12 instructions. You haven't heard the arguments of the lawyers
13 or Mr. Haas. So you still must not discuss the case even
14 amongst yourselves and, of course, with no one else and let no
15 one ask you or discuss the case with you. Continue to take
16 that north bank of elevators.

17 So please have a good evening. Stay safe. And I'll
18 see you tomorrow.

19 (Recess from 2:06 p.m. to 2:31 p.m.)

20 (Proceedings heard in open court. Jury out.)

21 THE COURT: Court resumes in session. We're still in
22 19 CR 486, U.S. versus Haas.

23 All right. For our instructions conference, let me
24 first ask before I forget, I propose to read the jury
25 instructions to the jury except the final two before closing

1 arguments. And that way they'll have heard the instructions
2 one time before. And I think it does help the jury kind of
3 process the closings if they've heard all of the other
4 instructions before closings.

5 Is there any objection to that from the government?

6 MR. JONAS: No, your Honor.

7 THE COURT: Mr. Haas?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: All right. Okay. On the instructions
10 conference itself, so Mr. Haas, I provided another copy of the
11 filing that I posted. Let's see. Docket entry 231 posted on
12 August 2nd. And we'll just go through these one by one.
13 There was also an order that accompanied this that was docket
14 entry 232. And this was also delivered to the MCC. That, I'm
15 not sure -- I'm not sure I printed out an extra copy of that
16 for you, Mr. Haas, but just let me know if you have any
17 questions.

18 So in docket entry 231-1, Page 2 is functions of the
19 Court and the jury. Is there any objection from the
20 government on that one?

21 MR. JONAS: No, your Honor.

22 THE COURT: Mr. Haas?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: Page 3 is a description of the charges.
25 Any objection from the government?

1 MR. JONAS: No, your Honor.

2 THE COURT: Mr. Haas?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: And I'll just say that everyone's prior
5 proposed instructions, you preserved those objections. So I'm
6 just asking for anything new.

7 Anything new on Page 4 which deals with
8 self-representation from the government?

9 MR. JONAS: No, your Honor.

10 THE COURT: Mr. Haas?

11 THE DEFENDANT: No, your Honor.

12 THE COURT: Page 5 is presumption of innocence and
13 burden of proof. It's from the pattern instruction, of
14 course. Any objection from the government?

15 MR. JONAS: No, your Honor.

16 THE COURT: From Mr. Haas?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: All right. Again, pattern instruction,
19 Page 6, the evidence. Any objection from the government?

20 MR. JONAS: No, your Honor.

21 THE COURT: Mr. Haas?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: All right. No. 7, the same thing. It's
24 considering the evidence, another pattern instruction. Any
25 objection from the government?

1 MR. JONAS: No, your Honor.

2 THE COURT: From the defendant?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: Okay. And maybe we can group a few of
5 these just because they are pattern instructions -- well, I
6 can only do the next two. So Pages 8 and 9, direct and
7 circumstantial evidence and then number of witnesses, is there
8 any objection from the government?

9 MR. JONAS: No, your Honor.

10 THE COURT: From Mr. Haas?

11 THE DEFENDANT: No, your Honor.

12 THE COURT: All right. We do need to remove Page 10.

13 Okay. Next, let me see if I can group a few -- well,
14 no, I can't. So Page 11, credibility of witnesses from the
15 pattern. Let's see. I think there's a bracket around
16 "consistent." Arguably -- let's see. I think Mr. Haas might
17 have gotten a consistent statement in regarding the
18 confrontation outside his apartment, just that a gun was
19 pointed at him. So I propose to remove that bracket.

20 And then is there any objection from the government?

21 MR. JONAS: No, your Honor.

22 MS. KELLY: Your Honor, there's one more bracket at
23 the top, "including that of the defendant."

24 THE COURT: Right. So we'll remove that because we
25 do have to include that phrase.

1 Okay. Mr. Haas, any objection after those edits are
2 made?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: All right. Okay. Page 12, those have to
5 be adjusted as well. This first paragraph was about uncharged
6 statements. And Mr. Haas had declined to have this
7 instruction be read. Is that still your position, Mr. Haas?

8 THE DEFENDANT: You can go ahead and read it, I
9 guess. I mean, it doesn't matter.

10 THE COURT: All right. What's the government's
11 position?

12 MR. JONAS: We're fine with you reading it, your
13 Honor. So no objection.

14 THE COURT: I'll leave that in.

15 Paragraph 2 was given in trial as well but it should
16 be given again at the end. Any objection from the government?

17 MR. JONAS: No, your Honor.

18 THE COURT: Mr. Haas?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: All right. Let's see if I can group
21 again. Well, no. We should just take it one by one. Any
22 objection to Page 13? This is also a pattern instruction.
23 From the government?

24 MR. JONAS: No, your Honor.

25 THE COURT: Mr. Haas?

1 THE DEFENDANT: No, your Honor.

2 THE COURT: All right. Page 14, testimony about
3 statements. Let me just make sure everyone on this list did
4 testify.

5 Okay. There's an extra "and" before "Joseph
6 Kostuchowski." I'll take that out. The Oxford comma has got
7 to get in there after "Kostuchowski" as a fervent believer of
8 the Oxford comma. Okay. So with those typographical changes,
9 is there any objection from the government?

10 MR. JONAS: No, your Honor.

11 THE COURT: Mr. Haas?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: Okay. Now, the identification, I think
14 we got a stipulation each time. It's probably not necessary.
15 So any objection to removing this one on Page 15 from the
16 government?

17 MR. JONAS: No, your Honor.

18 THE COURT: Mr. Haas?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: All right. We'll take -- delete that.

21 Okay. Page 16 also should be deleted because this
22 witness did not testify. I'll just confirm, the government
23 has no objection to that?

24 MR. JONAS: No objection.

25 THE COURT: And Mr. Haas, no objection, right?

1 THE DEFENDANT: No, your Honor.

2 THE COURT: Okay. Next, Page 17 is audio and video
3 recording evidence. And this also comes from the pattern
4 instruction. All right. Any objection from the government?

5 MR. JONAS: No objection.

6 THE COURT: Mr. Haas?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: Well, hold on. Let me see if -- yes. I
9 anticipated since the transcripts were put into evidence
10 sending those back in the first instance. So the last
11 paragraph would be deleted. And the jury's instructed that
12 the transcripts are not evidence but it's a guide.

13 All right. Is there any objection to removing that
14 last sentence --

15 MR. JONAS: No, your Honor.

16 THE COURT: -- and putting the transcripts back in
17 deliberations?

18 Mr. Haas, any objections to that?

19 THE DEFENDANT: No, your Honor. But I just have a
20 question. Just as the jurors were nervous about me seeing
21 their names and identities and stuff like that on their
22 information charts -- I'm not sure what you would call
23 those -- are the jurors allowed to take their notes home?

24 THE COURT: No.

25 THE DEFENDANT: No?

1 THE COURT: They will not be taking their notes home.
2 They have to leave it there, and then we just shred them.

3 All right. We'll delete that last paragraph. I'll
4 send the transcripts back.

5 And I believe there was one juror who had expressed
6 just a question, does the defendant review the forms. So it
7 was one, not multiple.

8 Okay. Note taking which is on Page 18 of Court set
9 1, again, this is from the pattern. I just want to make sure
10 it jibes with -- yes. Okay. So is there any objection from
11 the government to this one?

12 MR. JONAS: No, your Honor.

13 THE COURT: Mr. Haas?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: All right. Page 19 is also from the
16 pattern. Any objection from the government?

17 MR. JONAS: No, your Honor.

18 THE COURT: Mr. Haas?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: We can group a few of these. Let's see.
21 Just two, Pages 20 and 21, separate consideration of charges,
22 punishment not relevant. Is there any objection from the
23 government?

24 MR. JONAS: No, your Honor.

25 THE COURT: Mr. Haas?

1 THE DEFENDANT: No, your Honor.

2 THE COURT: All right. The elements of threatening a
3 federal law enforcement officer, Page 22, any objection from
4 the government?

5 MR. JONAS: Yes. Yes, your Honor, we do.

6 THE COURT: All right.

7 MR. JONAS: Your Honor, you injected the *Alaniz*
8 intent requirement into this instruction. And I think that's
9 number --

10 THE COURT: 2.

11 MR. JONAS: -- 2, element 2.

12 THE COURT: Yes.

13 MR. JONAS: And it's the government's position that
14 in *Alaniz*, the Court in discussing 875(c), if I remember
15 correctly, said there was no intent element in that statute
16 and read in the intent element. And there are cases, not many
17 admittedly, but there are cases that talk about -- I think 115
18 cases where *Alaniz* doesn't apply because 115 has its own
19 intent element and, therefore, it's not necessary to add the
20 additional intent element. And I can cite these cases for
21 your Honor if that would help.

22 THE COURT: Yes. All right. One second.

23 All right. Go ahead with the citations.

24 MR. JONAS: The first one, *United States versus*
25 *Ivers*, I-v-e-r-s. It's 2020 Westlaw 421, 216.1 at 8. It's an

1 Eighth Circuit case that's July 23rd, 2020.

2 THE COURT: So is it -- is that published, or is it
3 unpublished, or is it just too recent that it doesn't have
4 a --

5 MR. JONAS: I think it's too recent, your Honor.

6 THE COURT: Okay. Hold on. I can just pull it up.

7 Yes, I thought of this concern, but there are reasons
8 to think -- obviously, if there's a Seventh Circuit case of
9 the contrary or persuasive other case -- that there are two
10 different forms of intent that are at play. One has to do
11 with the intent that it be taken as a true threat, and the
12 other one is, okay, even if that's happened, then why did you
13 do it. And you had this additional intent to impede,
14 intimidate, and interfere or to retaliate.

15 So they're not necessarily inconsistent, but I'll
16 certainly take a look at the case.

17 MR. JONAS: We recognize that they're not
18 inconsistent, Judge, but we think it's unnecessary to add that
19 second intent element.

20 And I think there's also two other cases if I can
21 give the citation. And I'm sorry, Judge. I don't have it in
22 front of me. They're both Westlaw citations. One is *United*
23 *States versus Segui*, S-e-g-u-i. That's 219 WL 858, 729.1 at
24 Page 12. And that's an Eastern District of New York case from
25 2019.

1 And the last one is United States -- let me know if
2 you're ready for me.

3 THE COURT: All right. One second.

4 Okay.

5 MR. JONAS: *United States versus Nicholas,*
6 N-i-c-h-o-l-a-s, 219 WL 377, 4622 at Page 2. And that's
7 Western District of Virginia from August of 2019.

8 THE COURT: Okay. I'll take a look at those and let
9 you know what I think.

10 MR. JONAS: Thank you, Judge. In terms of the rest
11 of the instruction No -- - Page 22, we have no objection.

12 THE COURT: Okay. Mr. Haas, do you have a position
13 on this elements instruction, any objection to it or any
14 response to what the government just said?

15 THE DEFENDANT: I -- no. I mean, you're going to do
16 what precedent says, so no.

17 THE COURT: Okay. All right. I'll take a look at
18 that tonight, and I'll post something on the docket so you
19 know. I'm going to post a revised set, obviously. And just
20 for your information, you can display the instructions once
21 they've been finalized. So if you want to incorporate them
22 into the closing argument, you can do that.

23 Okay. Page 23, definition of true threat. Any
24 objection from the government?

25 MR. JONAS: We have a requested modification or an

1 additional line to add. We have no objection to the way it's
2 written, but we'd like to add an additional line.

3 THE COURT: All right. Go ahead.

4 MR. JONAS: So I haven't written it out, Judge, so I
5 don't have the exact wording but what it is, is we'd like to
6 put in there that the threat did not -- a threat can be
7 conditional. And certainly you can balance it out by saying,
8 you know, and that's a factor the Court -- the jury can
9 consider in whether or not it's a true threat.

10 And so in other words, to use an example taken from
11 the case I'm about to cite, "Your money or your life," that's
12 viewed as a threat but it's a conditional threat: "If you
13 don't give me your money, then you're going to give up your
14 life."

15 The case, *United States versus Schneider*, is one of
16 the cases. I think this one is most directly on point.
17 S-c-h-n-e-i-d-e-r. It's 910 F. 2nd 1569. The Supp. cite is
18 1570. It's 1990 Seventh Circuit case. And there are other
19 cases on this, but this case states, "Most threats are
20 conditional. They are designed to accomplish something. The
21 threatener hopes that they will accomplish it so that they
22 won't have to carry out the threats. They are threats
23 nonetheless."

24 So many of the threats that the government has
25 presented in the indictment states, you know, "If you do

1 something, then I will kill you" because I'm paraphrasing. So
2 we want the jury to understand that that "if" doesn't make it
3 any less of a threat because it's conditional.

4 THE COURT: Okay. That was the state trial court
5 judge, and the letter was the Illinois Supreme Court saying
6 that if he doesn't straighten out, then he will be executed.

7 MR. JONAS: I believe that's the --

8 THE COURT: So I see your point.

9 Mr. Haas, what's your response to that?

10 THE DEFENDANT: The United States Supreme Court has
11 declined to establish any bright line test for distinguishing
12 a true threat from protected speech. I believe that should be
13 told to the jury, and they should decide.

14 THE COURT: Okay. It's generally true that there is
15 no bright line, nor is the government asking for one. I would
16 not --

17 THE DEFENDANT: Well, we put a bunch of them on here.
18 I would like this to be stipulated on there.

19 THE COURT: All right. Just one moment. I think the
20 idea is to give the jury as I try to do as neutrally as
21 possible in the definition of true threat, and I explain this
22 in the order as well that accompanied this first court set,
23 that there are circumstances that might point way or the other
24 but is not an absolute necessity to prove in every case.

25 And this, I think, may be one of them. I'll mull it

1 over some but the --

2 THE DEFENDANT: This also -- I'm sorry.

3 THE COURT: Just to finish up, on the bright line
4 standard, that language you just read, I don't think that's
5 helpful for the jury to hear that as opposed to just getting
6 the standard which is not a bright line standard. And so I
7 don't think we need to express that to them further.

8 So just to be clear, I'm not -- it's not like I'm
9 going to give an instruction saying that a conditional
10 statement equals a threat. In fact, it's kind of the
11 opposite. And I would add a sentence that it can be
12 considered in -- by the jury in deciding whether a
13 communication is a true threat.

14 THE DEFENDANT: Can we add that the federal circuits
15 have failed to reach a consensus on what constitutes a true
16 threat?

17 THE COURT: That is rejected. We do have case law
18 from the Seventh Circuit and the United States Supreme Court
19 that I have incorporated into this instruction. And so I
20 think that's not an accurate statement of the law as far as
21 what should be delivered to the jury.

22 Let me just think about this for a second because I
23 do want to get your reaction to the potential language.

24 (Pause.)

25 THE COURT: All right. So the trick is to explain to

1 the jury in plain language the concept of conditional without
2 just leaving it as "conditional."

3 MR. JONAS: Your Honor, maybe something -- if I could
4 make a suggestion.

5 THE COURT: Go ahead.

6 MR. JONAS: So I'm looking at the paragraph that says
7 a threat does not need to be communicated directly. Maybe a
8 line in that paragraph that says, "a threat can be
9 conditional; however," you know, "you can consider a
10 conditional statement in determining whether a communication
11 is a true threat."

12 THE COURT: Yes, so that is a paragraph that is
13 explaining what a threat need not -- not necessarily be
14 communicated directly to its intended victim or say that the
15 defendant himself would be the one to commit a violent act or
16 specify. So it's a bunch of "not's." This is a little
17 different because it's trying to explain to the jury that a
18 threat may be conditional.

19 Okay. Let me try this out: "A threat may be
20 conditional, that is, may threaten violence if some condition
21 is not fulfilled. Once again, however, the fact that a
22 communication is conditional can be relevant in deciding
23 whether a communication is a true threat."

24 Any objection from the government?

25 MR. JONAS: No, Judge. We're fine with that.

1 THE COURT: Okay. Mr. Haas?

2 THE DEFENDANT: No, your Honor.

3 THE COURT: Okay. That's the new paragraph 4.

4 Moving on to Page 24, this just comes out of the
5 statute. Is there any objection from the government?

6 MR. JONAS: No, your Honor.

7 THE COURT: Mr. Haas?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: Okay. Page 25, so Mr. Haas, just to
10 explain to you, there's in Count 5 as you have seen in the
11 second superseding indictment, it alleges multiple
12 communications that the government alleges qualify as a
13 threat. What this instruction is telling the jury is that
14 they do have to be unanimous if they're going to rely on a
15 particular communication to find you guilty on Count 5.

16 They have to be unanimous on that, on one particular
17 statement at the least. In other words, six of them -- there
18 should be no conviction if six of them say, "Yeah, that first
19 statement is a threat and then" --

20 THE DEFENDANT: I understand, your Honor.

21 THE COURT: So obviously, this is protective of you.
22 Do you have any objection to that?

23 THE DEFENDANT: No, I don't.

24 THE COURT: So 25 -- I think you proposed it. The
25 government proposed it. So is there any objection to it?

1 MR. JONAS: No, your Honor. No objection.

2 THE COURT: 26 is elements of transmitting a threat
3 in interstate commerce. This is for the 875 counts. Any
4 objection from the government?

5 MR. JONAS: No, your Honor.

6 THE COURT: Mr. Haas?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: Okay. And then the next page is the
9 definition of "knowingly." This comes from the pattern, and
10 we need it for the 875 because it uses the word "knowingly."
11 Any objection from the government?

12 MR. JONAS: No, your Honor.

13 THE COURT: Mr. Haas?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: Okay. Page 28, I'm just referring them
16 back to the definition of true threat that applied before.
17 Any objection from the government?

18 MR. JONAS: No, your Honor.

19 THE COURT: From Mr. Haas?

20 THE DEFENDANT: No, your Honor.

21 THE COURT: Okay. Definition of "interstate
22 commerce," is there any objection from the government? This
23 is Page 29.

24 MR. JONAS: No, your Honor. I guess the only -- I'm
25 hesitating for one reason. And I know I think we proposed

1 this.

2 THE COURT: You did.

3 MR. JONAS: The only question I raise, and this cuts
4 against what we proposed, in the -- it doesn't apply to this
5 case, but I want to be perfectly clear. In the rare
6 circumstance if someone is in the state of Illinois and then
7 sends a message to someone in the state of Illinois and it
8 doesn't go through Google or G-Mail or something, if it's all
9 an internal server, arguably it's not interstate commerce.

10 So, of course, we don't have that here. We have
11 Ottawa, Illinois, to Russia so it's not a problem. But I just
12 want to make sure that the Court recognizes that there are
13 some rare circumstances that could come up where that may not
14 apply, that instruction may not apply.

15 THE COURT: Well, yes. You proposed this. This is
16 a -- this is a broad definition.

17 MR. JONAS: Yes.

18 THE COURT: I held ultimately that it was correct,
19 but it's certainly arguable. If you want to change it so that
20 it incorporates the idea that the transmission -- or that the
21 communication had to cross state lines, then I will include
22 that. I have no problem, you know, being more protective than
23 what the case law, I think, demands. So I'm perfectly happy
24 to do that.

25 MR. JONAS: I'm -- I know it's better for us, for the

1 government, if it remains as-is. So I'm happy leaving it as
2 is --

3 THE COURT: Well --

4 MR. JONAS: -- but I'm just putting it out there in
5 case the defendant wants to raise it. I'm just trying to make
6 sure he's aware.

7 THE COURT: You propose a particular legal principle,
8 and I took a look at the cases. They were not necessarily on
9 point directly because of the "in or affecting commerce," that
10 we don't have in or affecting. We do have transmitted in
11 interstate commerce, and by analogy, I think it does then
12 satisfy if it's transmitted over the internet.

13 Now, if you are saying that you believe it actually
14 does require the communication to cross state lines, then we
15 should incorporate that in here. And when you say "better for
16 government," just if that legal principle that's on this page
17 right now is incorrect, then there may be an issue on appeal.

18 MR. JONAS: And that's why I'm raising it, Judge,
19 because I want to make sure if this goes up on appeal that the
20 Seventh Circuit doesn't focus on this issue.

21 THE COURT: Yes. And, of course, you know, the -- I
22 have two interests. One is to make sure I get the legal
23 principle correct. And I think it's correct. However, the
24 other interest I have is if you don't need to push it that
25 far, then we should be more protective and more cautious. So

1 we could add, "this requirement is satisfied when the
2 communication was transmitted or received over the internet
3 and the communication crosses state lines or" --

4 MR. JONAS: State line or national line or
5 international line -- forget about the second part. "State
6 line," I think is fine.

7 THE COURT: "Was transmitted or received over the
8 internet and crossed from" -- how about this, just to mimic
9 the first sentence of the first paragraph -- "from inside a
10 state to outside a state."

11 MR. JONAS: That's fine, your Honor. Factually, I
12 think there's no question that's what happened here, so I'm
13 not concerned about it. I just want to make sure, like we
14 said, the Seventh Circuit doesn't come back and have an issue
15 with it. So I think your proposed language is fine. And I
16 apologize for not raising this when we submitted these.

17 THE COURT: Okay. And then I need to make that
18 language in the next sentence: "It is for you to decide,
19 however, if the communication was transmitted or received over
20 the internet and crossed from inside a state to outside a
21 state."

22 Okay. Any objection to that, Mr. Haas?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: This is the more protective version for
25 you.

1 Page 30, this is what I've been telling the jury all
2 along, that the First Amendment protections have been
3 incorporated into the legal instructions that I will give
4 them. All right. So is there any objection to this from the
5 government?

6 MR. JONAS: No, your Honor.

7 THE COURT: Mr. Haas?

8 THE DEFENDANT: What are the legal instructions that
9 you're going to give them?

10 THE COURT: All the things, all the instructions that
11 we've been talking about so far including those elements
12 instructions and the definition of true threat, those are the
13 instructions I'm referring to.

14 THE DEFENDANT: Okay, your Honor.

15 THE COURT: All right. Anything else to propose on
16 this, Mr. Haas?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Okay. Next is the elements of
19 entrapment. I understand the government objects obviously to
20 the proffering of that defense, but do you have any objections
21 to the instruction itself?

22 MR. JONAS: We have no objection to the instruction
23 but, as you said, Judge, we don't think he met -- he provided
24 any evidence that even comes close to the threshold that he
25 must pass, as low as that threshold is.

1 THE COURT: Okay. Mr. Haas, any response?

2 THE DEFENDANT: I'm sorry. I was reading this. I
3 missed what he said.

4 THE COURT: Mr. Jonas is proposing to preclude you
5 from arguing entrapment, that you were induced into committing
6 the offense and that you lacked predisposition to commit it.

7 THE DEFENDANT: I was definitely predisposed to a few
8 comments -- or not predisposed, induced because I would never
9 have said it if he didn't say, "You're all talk. You're a
10 keyboard warrior. You'll never do anything." I would have
11 never said that to him. If he didn't have the attitude he
12 had, I would have never done it.

13 Predisposed, making a threat, I'd like to know what
14 actual threats that I've been charged with before that that
15 I've been convicted of that prove that I've made a threat. I
16 have no convictions for a threat. So you are inventing this
17 predisposition by -- I don't know where you're coming up with
18 it.

19 THE COURT: All right. You're going to win on this
20 point. I think given the minimal level of burden that the
21 defense has to offer in order to get this in front of the
22 jury, I'll keep it in. Do you have any objection, Mr. Haas,
23 to the wording on Page 31, the elements of entrapment?

24 THE DEFENDANT: No, your Honor.

25 MR. JONAS: Your Honor, before we walk away from it.

1 THE COURT. Yes.

2 MR. JONAS: So what the defendant just proffered
3 pertains to Counts 1 through 5. There's been nothing at all
4 to show any entrapment at all with regard to Counts 6 through
5 13.

6 THE COURT: He -- count 6 is December 2018. He
7 described the January 25, 2018, encounter and, you know, with
8 the different version of what the agent said. So you can
9 certainly argue that that time gap makes the inducement --
10 well, obviously, you're going to argue there was no
11 inducement, but that time gap completely undermines it. You
12 can argue that to the jury, but I will not take it away from
13 the jury.

14 MR. JONAS: Okay.

15 THE DEFENDANT: Thank you, your Honor.

16 THE COURT: All right. Page 32, on the wording
17 again, I understand the government's objection, but on the
18 wording of definition of induce.

19 MR. JONAS: No, your Honor. No objection to the
20 definition.

21 THE COURT: All right. Mr. Haas?

22 THE DEFENDANT: No objections.

23 THE COURT: All right. I think we do need to remove
24 the bracketed language. On Page 33, definition of predispose,
25 there was not -- there were some references to arrests and so

1 on but nothing of detail in criminal history, so I think we
2 need to remove that. And with that removed, any other
3 comments on the wording? From the government?

4 MR. JONAS: No, your Honor.

5 THE COURT: Mr. Haas?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Okay. One second. Let me just take a
8 note.

9 Okay. Page 34, obviously that's a pattern
10 instruction. I'll review the verdict form with them. Any
11 objection from the government?

12 MR. JONAS: No, your Honor.

13 THE COURT: Mr. Haas?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: I'm sorry. Let me just take a note. I
16 just realized I can't hand out the verdict form. I usually
17 hand it out and review it with the jury. I'll just display it
18 on their screens. So I just need to take a note on that.
19 I'll try to be a little bit more careful about what's shown on
20 the screen.

21 All right. Next is, so these last two, Page 35 is
22 jury deliberations from the pattern. Page 36, unanimity,
23 slash, disagreement among jurors from the pattern. That's the
24 *Silvern* instruction. So these are the two I won't read until
25 after everyone's closed and made their closing arguments.

1 Are there any objections to 3 -- Pages 35 and 36 on
2 this docket entry?

3 MR. JONAS: No, your Honor.

4 THE COURT: Mr. Haas?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Okay. Any other proposed instructions
7 from the government?

8 MR. JONAS: No, your Honor.

9 THE COURT: Mr. Haas, anything else?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: All right. Now, you should also have the
12 verdict form. It's very simple. I'm not -- is that in the
13 papers I gave to you just now, Mr. Haas, a verdict form?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. So it's just one page obviously --
16 well, it's actually two pages. The signatures --

17 THE DEFENDANT: The signatures on the --

18 THE COURT: Yes, there's a second page. So any
19 objection from the government to how it's formatted?

20 MR. JONAS: No, your Honor.

21 THE COURT: And Mr. Haas?

22 THE DEFENDANT: No.

23 THE COURT: Okay. All right. And just to make sure
24 before we go through the exhibits -- okay. Mr. Haas, you
25 probably -- there was a modified lockdown yesterday

1 apparently. And so the staff at the MCC should have still let
2 you go to the discovery computer. So I have talked to the
3 attorney or emailed back and forth the attorney advisor.
4 They're going to tell the staff today that you, if you want --
5 I don't know if you're going to want it, but you do have
6 access to the discovery computer. All right?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Now, for the closings -- all right.

9 Mr. Haas, in order to display exhibits, if you want to display
10 exhibits during closing, you've got to have the exact correct
11 exhibit number. And if it's -- whether it's a page number or
12 part of a clip of something, you have to have at least a
13 general timestamp to get you there unless you want to play the
14 whole clip, which is also okay. And I will direct the
15 government to display it during the closing. All right?

16 THE DEFENDANT: If I was to ask them to play
17 anything, it would be stuff that we've already used, your
18 Honor.

19 THE COURT: Yes. It has to be. There's no doubt
20 about that, right, because only allowed evidence can be --

21 THE DEFENDANT: What's already admitted, yes.

22 THE COURT: -- can be discussed in closing.

23 But I'm saying that you need to have the number,
24 government exhibit whatever it is or defense exhibit whatever
25 it is --

1 THE DEFENDANT: I have the list. Yes.

2 THE COURT: Okay. I just want you to be prepared for
3 that because it will not be sufficient, for example, to say,
4 "Oh, yeah, you know that transcript when we said X, and please
5 put that up." So they're just -- again, at my request,
6 they're just going to display based on what you exactly say.

7 All right?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Okay. Let's go through the exhibits and
10 just make sure we're all on the same page as to what's been
11 allowed and not allowed. Have you been keeping track,
12 Mr. Haas, more or less or not?

13 THE DEFENDANT: Well, there's only been one added
14 that wasn't allowed, and that was No. 7.

15 THE COURT: Right. I just -- in trial, sometimes not
16 every exhibit has been allowed previously and it was actually
17 offered, and then sometimes something goes wrong whether it's
18 foundation or otherwise and an exhibit gets excluded at trial
19 that otherwise was going to be in. So we'll just do a
20 double-check and make sure that we're all on the same page.

21 All right?

22 THE DEFENDANT: From my understanding, it would be
23 just whatever had already been allowed to show the jury, not
24 things where I would need the witness, right? Correct? That
25 would have been during my cross-examination.

1 THE COURT: So each time an exhibit has been offered,
2 I've either said "allowed" or not. And so those are the
3 exhibits that you can refer to in closing. And we're just
4 going to double-check that now.

5 So on my list here as allowed evidence -- okay. And
6 then you tell me if I skip a number and just stop me at that
7 point. What I have is in is: Government 1, 2, 3, 4, 5, 7, 8,
8 9, 10 through 17; Government 20, 21, 22; 25 through 35;
9 Government 43, 48, 50, 51, 53, 54; 57 through 60; Government
10 61, 62; 64 through 66; Government 68, 70; 73 through 87; 96,
11 97, 98, 102, 111; 112 through 128; then Government 201, 202,
12 203, 204; 207 through 228.

13 All right. That's what I've got for the government.
14 Does that square with the government's list?

15 MR. JONAS: No, your Honor.

16 THE COURT: All right. So what have you got?

17 MR. JONAS: So 218, 219, we did not admit.

18 THE COURT: Oh, you're right. Okay. You're right.
19 Okay.

20 MR. JONAS: 223 and 224 were not admitted.

21 THE COURT: That is correct.

22 MR. JONAS: And then 237 through 254, I believe.
23 Yes, through 254 I believe were the transcripts admitted
24 today.

25 THE COURT: Okay. I think it might be 253.

1 MR. JONAS: Your Honor, if I can just check one
2 second. Let me just check one second, your Honor.

3 THE COURT: All right.

4 MR. JONAS: 253. You're right.

5 THE COURT: Yes. I missed those last set. So 237
6 through 253.

7 MR. JONAS: Correct.

8 THE COURT: All right. Any comments on the list,
9 Mr. Haas?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Okay. For defense exhibits, the
12 following were allowed: 1, 5, 6, 7, 8, 19. Does that square
13 with the government's list?

14 MR. JONAS: Yes, Judge. I was keeping track. I
15 can't find my list. That sounds right from what I recall.

16 THE COURT: Do you want to just write down what I
17 just said, or do you have that?

18 MS. KELLY: I wrote it down. I can check it, Judge.
19 I remember.

20 MR. JONAS: It sounds right.

21 MS. KELLY: I'll just look through.

22 MR. JONAS: I apologize, Judge. I was keeping good
23 notes.

24 THE COURT: As you're looking, I'll ask Mr. Haas,
25 does that sound right?

1 THE DEFENDANT: That's the same with my list, yes.

2 THE COURT: All right.

3 MS. KELLY: 7 were the new photos, correct?

4 THE COURT: That's correct.

5 MS. KELLY: Yes.

6 THE COURT: All right. Okay. Anything else for the
7 government?

8 MS. KELLY: One point, your Honor. We've had a
9 little trouble with some of the audio clips. And I didn't
10 know when the exhibits go back to the jury, is there a way to
11 provide a set of speakers to be plugged into the laptop if
12 needed? I didn't know what the sound system was going to be
13 like in the jury room.

14 THE COURT: Yes. That's a good question. I'm going
15 to test it at 4:00 o'clock. I've got a meeting with Systems
16 in there and I'm going to -- we're going to publish the
17 exhibits. Obviously, we'll then take them down and they won't
18 know how to turn it on anyway, and I'm going to try to listen
19 to the things like 17, for example, which I think was the
20 lowest volume one and see how it turns out.

21 MS. KELLY: Okay. Thank you.

22 THE COURT: And if I think there needs to be some
23 other mechanism, then I'll talk to Systems about it.

24 MS. KELLY: Thank you.

25 THE COURT: All right. Mr. Haas, anything else?

1 THE DEFENDANT: No, your Honor.

2 THE COURT: All right. Just remember, you do have
3 one hour for closing argument. And I think we are set.

4 All right. I'll see you tomorrow. Thanks.

5 MR. JONAS: Judge, 9:00 o'clock?

6 THE COURT: Yes. If you -- just get here at 8:45.

7 || It's helpful in case we need to test anything out.

8 MR. JONAS: Thank you, Judge.

9 THE COURT: All right. Thank you, Ms. Singer.

10 (Proceedings adjourned from 3:17 p.m. to August 6, 2020,
11 at 8:45 a.m.)

C E R T I F I C A T E

14 I, Judith A. Walsh, do hereby certify that the
15 foregoing is a complete, true, and accurate transcript of the
16 proceedings had in the above-entitled case before the
17 Honorable EDMOND E. CHANG, one of the judges of said court, at
18 Chicago, Illinois, on August 5, 2020.

20 || /s/ Judith A. Walsh, CSR, RDR, F/CRR

September 11, 2020

21 | Official Court Reporter

22 || United States District Court

23 Northern District of Illinois

24 || Eastern Division

25